

QUESTIONING EUROPE'S TRANSFORMATIVE POWER:
THE EU IN BOSNIA AND HERZEGOVINA, AND KOSOVO (1995 – 2015)

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Abstract

The European Union (EU) has long been credited as having an inherent transformative power in foreign policy. European enlargement, in particular, has been often seen by the scholarly literature as a transformative process, in which the EU acts as the indispensable catalyst and engine of change and modernization in transitioning candidate countries. This dissertation tests the limits of the transformative power of the EU by studying the problematic outcomes of Europe's engagement in the process of economic transition and democratic consolidation in Bosnia and Herzegovina, and Kosovo. In these cases – it shows – the mix of lingering post-conflict dynamics, dysfunctional institutions and unresponsive political systems has proved characteristically impermeable to Europe's inducements, and stubbornly resistant to Europe's attraction. The huge investment the EU has made, as a consequence, has at best only stabilized these countries in some kind of negative equilibrium. At worst, it is holding back the floodgates for renewed conflict.

The existence of Europe's transformative power – this dissertation concludes – is not demonstrated. As a consequence, the overall usefulness of the transformative narrative of European enlargement is called into question. For

years, scholars have been struggling to find a theoretical explanation of the reason why Europe has failed to transform countries such as Bosnia and Kosovo. In their frustrated attempts to reconcile the theory of Europe's transformative power with the problematic evidence coming from Bosnia and Kosovo, they have sunk into an intellectual *cul de sac* that limits their capacity to make sense of reality, rather than enhancing it. Furthermore, the idealization of EU enlargement as a process capable of transforming candidate countries irrespective of their characteristics may turn into a potentially dangerous delusion bound to over-inflate expectations, raise frustration and undermine effectiveness.

The implications of this study are important at different levels. At regional level, they press the EU to make a deliberate choice between enlargement and transformation in the Western Balkans: the long-term stabilization and integration of the whole region – in this perspective – is not necessarily reconcilable with Europe's determination to prove the existence of its transformative power. At European level, they question the efficacy of enlargement as a strategy to deal with post-conflict situations: if the EU has failed to stabilize two relatively small, deeply integrated countries in the Western Balkans, then how can it realistically succeed in 'transforming' bigger, more complex countries such as Ukraine or Belarus? At global level, it calls for a realistic approach to international state building in remote and challenging environments: Bosnia and Kosovo represent state building operations in which both the conditions on the ground and the motivations of the main players were conducive to a relatively smooth transition and consolidation. such as the Middle East, North Africa, or the Caucasus.

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Introduction

We can only expect to be a credible global player
if we act as a responsible power at our doorstep.¹

In the spring of 2015, Europe's strategic environment looks as dangerous and volatile as ever. For the first time since the end of the Cold War, Europe's own territory is confronted with tangible security threats. 'Hard power' seems to be all of a sudden back in business. On the east, the crisis in Ukraine risks to deflagrate into a full-blown military confrontation, destabilizing a wider area right at the border of the European Union (EU). Russia's assertiveness in re-establishing its pre-eminence in the region sends an explicit message to a number of EU member states in Central and Eastern Europe, who look with growing unease to the developments in the area. On the southeast, a series of military conflicts – from the endemic conflict between Israel and Hamas in the Gaza Strip to the bloody civil war in Syria, to Iraq's deteriorating situation with the rise of the Islamic State (IS) – directly

¹ Speech by EU High Representative/Vice-President Federica Mogherini at the Munich Security Conference (February 8, 2015). Available at http://eeas.europa.eu/statements-eeas/2015/150208_01_en.htm [accessed 06.01.2015]

challenge Europe's vital security interests. On the south, the short-lived season of the so-called 'Arab spring' opened the gates to instability in crucial regional actors such as Egypt, while ill-conceived international interventions led – in cases such as Libya – to the collapse of the state, and the spread of violence and chaos. Official EU estimates suggest that 20 million refugees and internally displaced people are on the move in Europe's immediate neighborhood – be it to the south or to the east.²

Confronted with such a wide array of pressing concerns, Europe has had a hard time coming up with a coherent security strategy. The euro-zone crisis has long monopolized the Union's attention, draining its intellectual and physical resources. As it has often been the case in the past, the lack of effective foreign policy coordination has prevented the EU from playing a stronger, more cohesive role on the international scene. The institutional context provided by the European Neighborhood Policy (ENP) – which frames Brussels' relationships with most of the countries currently in crisis – has proved too loose to have any meaningful stabilizing effect.³ The strengthening – under the Lisbon treaty – of the High Representative for Foreign Affairs and Security Policy (HR) and the creation of the European External Action Service (EEAS) has had a limited impact on Europe's ability to coordinate in foreign and security policy.⁴ Lady Catherine Ashton's lackluster tenure as HR failed to propel her office at the center of European stage.

² EU Commissioner for Enlargement Johannes Hahn's remarks (*Eastern Partnership: The Way Forward after Riga*) at the Atlantic Council of the United States in Washington, DC (June 4, 2015).

³ As of June 2015, 16 countries participate in ENP: Armenia, Azerbaijan, Egypt, Georgia, Israel, Jordan, Lebanon, Moldova, Morocco, Palestine, Tunisia, Ukraine and – with more limited access to its structures – Algeria, Belarus, Libya and Syria. See http://eeas.europa.eu/enp/index_en.htm [accessed 09.01.2014]. On the ENP as a foreign policy tool, see Magen (2006); Cadier (2013).

⁴ Bindi (2011); Klein and Wessels (2013); Smith (2013).

The appointment of Italy's relatively inexperienced Foreign Minister Federica Mogherini leaves many questions unanswered about the HR's prospective ability to assert herself as a meaningful actor in European foreign policy.⁵

The EU remains a hybrid organization, in which supranational and intergovernmental elements mix, but where foreign and security policy is firmly tied to member states' sovereign authority. Its effectiveness and credibility as a foreign policy actor remain, as a consequence, limited.

Beyond the obvious limits of the EU, Europe's struggles to effectively cope with its deteriorating security can be read in the current state of the North Atlantic Treaty Organization (NATO). Strained by the long-term consequences of the internal split on the 2003 war in Iraq, by years of costly out-of-area operations in places like Afghanistan, and by the unprecedented lack of credible leadership coming from the United States (U.S.), NATO has long tried to regain greater cohesion tackling its core business – namely security on the European soil.⁶ Collective defense has been reinforced, in the attempt to adapt to Europe's worsening security environment. Particular emphasis has been given to the speeding up of decision-making mechanisms, and to the strengthening of intelligence sharing. Unfortunately, however, the September 2014 NATO Summit in Wales once again failed to outline a credible strategy to respond to the multifaceted crises encircling Europe on all sides.

⁵ See Ivo Caizzi, "Mogherini commissariata? Un caso in Europa," *Corriere della Sera* (February 20, 2015).

⁶ See Burk (2013). See also Rynning (2012) Auerswald and Saideman (2014); Chivvis (2014).

1. Securing stability in today's Europe:

Is enlargement still an option?

The crisis in Ukraine represents a new kind of security concern for the EU. As former NATO Secretary General Anders Fogh Rasmussen pointed out, the destabilization of the Eastern part of the continent is 'a wake-up call for Europe.'⁷ For the first time since the end of the Cold War, it reminds that the creation of a 'Europe whole, free, and at peace remains a work in progress.'⁸ Russia's 'disturbing behavior' throughout the region – NATO's new Secretary General Jens Stoltenberg recently warned – fundamentally alters Europe's security environment, undermining some of the key principles of peaceful coexistence in the continent: respect of borders, independence of states, transparency and predictability of military activity, and the commitment to diplomacy as the path to resolve differences.⁹

The need to find a common voice on the developments in Ukraine and in the wider Eastern Europe is an obvious priority for European leaders. Yet viable options seem – unfortunately – limited. In the attempt to delineate an effective strategy to stabilize the worsening crisis – and given the apparent lack of alternatives – some of Europe's leaders have been tempted to fall back on the idea of

⁷ Quoted in Karen DeYoung, "Russia's Moves in Ukraine Are a Wake-Up Call, NATO's Rasmussen says in Speech," *Washington Post* (March 19, 2014).

⁸ Quoted in "NATO Sec Gen: Russian Aggression Is a Wake Up Call," *Atlantic Council of the U.S.* Online (September 4, 2014).

⁹ NATO Secretary General Jens Stoltenberg's remarks (*Adapting to a Changed Security Environment*) at the Center for Strategic and International Studies in Washington, DC (May 27, 2015).

enlargement. Ukraine's integration in the EU – it has been argued – could represent a viable long-term strategy to further expand that 'arc of stability' that already provided the rationale for enlargement to Central and East European Countries (CEECs) in the early 2000s.¹⁰ In the short term more assertive diplomacy and enhanced military preparedness are needed to check Russia's aggression – analysts argued – yet in the longer-term Europe's best option to secure stability in Ukraine can be, once again, closer integration.¹¹

On February 10, 2014 – in the midst of escalating tensions between pro-Western and pro-Russian forces in Ukraine – EU Foreign Ministers opened for the first time the Union's doors to the country's accession. In a joint statement, they pointed out that political association and free trade did 'not constitute the final goal in EU-Ukraine cooperation.'¹² Then EU Commissioner for Enlargement Stefan Füle reiterated the concept, announcing his support for the accession of Ukraine, Georgia and Moldova. 'If we are serious about transforming the countries in Eastern Europe – he told German daily newspaper *Die Welt* – we have to use the most important tool for transformation: enlargement.'¹³ 'Enlargement – he concluded – possesses

¹⁰ In the aftermath of the collapse of the Soviet bloc, German policy-makers actively sponsored CEECs' membership to stabilize the region, thus avoiding the risk of being confronted with instability at their very borders. See Anderson (1997).

¹¹ See for instance Stefan Meister, "What If... The EU Had Offered a Membership Perspective to Ukraine," *European Council on Foreign Relations* online (December 2, 2013). Amanda Paul of Brussels' European Policy Center notes how the crisis has made the EU 'more committed both politically and economically to move ahead with Ukraine and its integration process.' Quoted in 'Building a Ukraine of Fundamental Rights 'Best Recipe for Entire Integration,'" *Euronews* online (June 26, 2014).

¹² Quoted in Andrew Rettman, "EU Gives Ukraine Enlargement Hint," *EUObserver* online (February 10, 2014).

¹³ Quoted in "EU-Erweiterungskommissar für EU-Aufnahme der Ukraine," *Die Welt* Online (March 18, 2014).

unparalleled transformative and stabilizing power.’¹⁴ More recently, new HR Mogherini stressed that enlargement remains central in Europe’s strategy, since it helps to stabilize the Union’s neighborhood: ‘It is not just our interest – Mogherini pointed out in impeccable EU style – but our duty.’¹⁵ Even in the face of military escalation – and confronted with circumstances hardly conducive to enlargement – influential leaders such as Sweden’s Foreign Minister Carl Bildt like to point out that Art. 49 of the Treaty of Rome leaves the doors of the Union open for every country in Europe, without limits or discrimination.¹⁶ Similarly, new EU Commissioner for Enlargement Johannes Hahn notes that countries such as Ukraine, Moldova and Georgia have clearly expressed their willingness to join the Union. Their determination – as a consequence – needs to be respected, and tailor-made solutions need to be found that prepare the ground for accession, despite the fact that further enlargement may not be likely at the present stage.¹⁷

The effectiveness of enlargement as a foreign policy tool needs to be discussed and specified. It is unquestionable that enlargement represented a major stabilizing factor in the relatively smooth post-communist transition of the CEECs in the late 1990s and early 2000s.¹⁸ As NATO’s Stoltenberg points out – the parallel enlargement of NATO and the EU after the Cold War transformed Europe in a

¹⁴ *Ibid.*

¹⁵ Quoted in “EU’s Mogherini Calls for NATO’s Muscle in Eastern Europe,” *BBC News* online (September 2, 2014).

¹⁶ Carl Bildt’s remarks (*Europe Surrounded Not by a Ring of Friends, but by a Ring of Fire*) at the Center for Strategic and International Studies in Washington, DC (April 29, 2015).

¹⁷ EU Commissioner for Enlargement Johannes Hahn’s remarks (*Eastern Partnership: The Way Forward after Riga*) at the Atlantic Council of the United States in Washington, DC (June 4, 2015).

¹⁸ See Cowles *et al.* (2001); Grabbe (2001); Grabbe (2006); Lippert *et al.* (2001); Hugues *et al.* (2004); Schimmelfennig and Sedelmeier (2005).

fundamental way.¹⁹ In this light, therefore, a credible Euro-Atlantic ‘open door policy’ may be reasonably expected to exert some degree of ‘transformative power,’ even in the increasingly volatile security scenario of 2015. Enlargement must remain a distinctive trait of Europe’s identity – EU Commissioner Hahn explains: ‘As Europeans we have an obligation to complete 1989. And we are not there yet.’²⁰

More recent cases of post-communist transition, however, render a more complex and problematic picture when it comes to the effectiveness of enlargement as a foreign policy strategy. In the Western Balkans, for instance, both NATO and the EU have been explicitly committed to enlargement for a long time. EU enlargement, in particular, has gradually emerged as the indispensable pillar of the West’s strategy to stabilize, modernize and integrate the region emerging from the violent collapse of Yugoslavia. The Stability Pact for South Eastern Europe – providing a European credible perspective for the whole region – was launched as early as 1999.²¹ This strategy has led to successes, such as Croatia’s 2013 accession.²² In different cases – such as Bosnia and Kosovo – the process has led to frustrating outcomes.²³ In these latter cases, the attraction exercised by the prospects of EU membership failed to trigger that wide range of socio-economic, political and institutional reforms that are needed to bring candidate countries

¹⁹ NATO Secretary General Jens Stoltenberg’s remarks (*Adapting to a Changed Security Environment*) at the Center for Strategic and International Studies in Washington, DC (May 27, 2015).

²⁰ EU Commissioner for Enlargement Johannes Hahn’s remarks (*Eastern Partnership: The Way Forward after Riga*) at the Atlantic Council of the United States in Washington, DC (June 4, 2015).

²¹ European Council, *Common Position (CFSP) Concerning a Stability Pact for South-Eastern Europe*, 1999/345/CFSP, May 28, 1999. The Stability Pact was officially adopted in Cologne on June 10, 1999.

²² Dolenec (2008); Caratan (2009); Subotic (2013).

²³ For the sake of brevity, this study will henceforth employ the short ‘Bosnia’ instead of the complete name ‘Bosnia and Herzegovina’.

closer to accession. The transformative power of Europe – a power that had been postulated in the light of the successful transition of the CEECs – showed in these more recent cases obvious limits.

2. Enlargement in a post-conflict environment:

Lessons from the Western Balkans

In theory, the Western Balkans represents a perfect case for Europe's transformative power to work effectively and decisively. In theory – one might say in EU parlance – the Western Balkans should be a relatively easy target for Europeanization.²⁴

The region as a whole is an integral part of Europe and – as a consequence – strongly feels that it belongs in the EU. Virtually every political party in the Western Balkans supports – at least rhetorically – Brussels' enlargement agenda. It considers EU accession a priority for its own country, and the sole viable option to secure long-term stability and security for the region as a whole. The Union has maintained a strong and well visible presence throughout the Western Balkans, with EU Delegations active in every country of the region. As a consequence of the protracted presence of the EU, the Western Balkans has been *de facto* integrated in the European community in economic, political and strategic terms.

²⁴ Cowles *et al.* (2001); Featherstone and Radaelli (2003); Schimmelfennig and Sedelmeier (2005); Grabbe (2006); Graziano and Vink (2008).

The region as a whole is relatively small and – therefore – easy to digest for the much bigger EU.²⁵ Its territory is completely encircled by EU territory. Excluding Croatia – which joined the EU in 2013 – the whole population of the Western Balkans amounts to less than 20 million inhabitants, roughly the size of Romania. In terms of GDP, it totals about 100 billion dollars.²⁶ Roughly two thirds of the region's foreign trade takes place with the EU.²⁷

In theory, therefore, the conditions for the EU to successfully transform and integrate the Western Balkans are there. The region is geographically close to the core of the EU; it is relatively small; it is deeply integrated in the EU system; it sees EU accession as a central strategic goal. Such conditions, however, are necessary but not sufficient for the integration process to move forward.

Motivation is another crucial element. Under this respect one can safely argue that Brussels has shown considerable resoluteness in pursuing reform, development and, finally, enlargement in the Western Balkans. The EU has invested an unparalleled amount of physical and moral capital in its attempt to transform the region, and to drive it closer to accession. It has secured an uninterrupted flow of funds aimed at assisting with post-conflict reconstruction, socio-economic development and democratic consolidation. It has dispatched an unprecedented

²⁵ The definition of Western Balkans is somehow variable and subjective. In our account we consider as being part of the Western Balkans the following countries: Croatia, Bosnia, Serbia, Montenegro, Kosovo, Macedonia (FYROM), and Albania.

²⁶ For the sake of comparison, Greece's GDP in 2014 amounts to roughly 250 billion dollars.

²⁷ From Brussels' perspective, however, the Western Balkans accounts to a mere 1% of overall EU foreign trade. Data published by the European Commission: <http://ec.europa.eu/trade/policy/countries-and-regions/regions/western-balkans/> [accessed on 09.01.2014]

number of personnel – both military and civilian – to boost local administrative capacity. It has taken upon itself unprecedented responsibilities for security and stability. It has transformed itself to enhance foreign policy coordination in order to better cope with the new challenges arising in the region.²⁸ It has looked at the integration of the Western Balkans as a historic mission, charged with strong moral significance. It has put its very own international credibility on the line, committing itself to the long-term stabilization of the region through integration. In one word, it has committedly pursued an agenda of Europeanization of the whole Western Balkans.²⁹

Despite Europe's resolve in its attempt to transform and Europeanize the Western Balkans, however, the region's progress towards accession has been slow and often contrasted.³⁰ The multiple transition facing the region – from command economy to market economy, from war to peace, from dependency on the presence of the international community to self-sustaining democracy – proved extremely complex.³¹ At the regional level, the dynamics of disintegration – epitomized by the wars of Yugoslav succession – proved hardly reconcilable with the dynamics of integration underlying the process of EU accession.³² At national level, highly polarized, deeply divided post-conflict societies posed an especially daunting challenge for Europe's enlargement strategy.

²⁸ The European Security and Defense Policy (ESDP), created in 2002, is a good example in this perspective. See European Council, *Council Joint Action*, EC(02)210/CFSP (March 11, 2002).

²⁹ Anastasakis (2005); Börzel (2011); Elbasani (2012); Noutcheva (2012).

³⁰ Vachudova (2014).

³¹ Dzihic (2012).

³² Rupnik (2011).

Brussels' commitment to the development and consolidation of viable, self-sustaining democracies, in the end, has been met with limited success – particularly when it comes to complex cases of post-conflict transition such as Bosnia and Kosovo. Europe's goal to create from scratch states that could be eventually integrated into the EU – an unprecedented attempt at member state building – has proved ultimately futile.³³ Democratic consolidation has proceeded at a slower pace than it had been hoped for. State capacity remains in many respects limited. Political opportunism, clientelism and corruption remain pervasive, often obstructing progress towards EU accession.

This apparent lack of progress – as well as the rise of new, more pressing priorities – led to the emergence within the EU of what has been defined as 'Balkan fatigue.'³⁴ The outbreak of the euro-zone crisis further distracted Europe's attention from the region.³⁵ As a consequence, enlargement lost credibility and momentum.³⁶ The European Commission (the Directorate for Enlargement in particular) kept pushing its reform agenda forward. In the absence of strong political leadership, nonetheless, the whole process tended to stall. Increasingly the region seemed stuck in a limbo – *de facto* integrated in the EU, yet with no real prospects of membership in the foreseeable future. Enlargement remained firmly at the core of Brussels' Western Balkan rhetoric, yet it seemed increasingly deprived of real significance.

³³ Tolksdorf (2011); Woelk (2013); Keil and Arkan (2014).

³⁴ Sebastian (2008); Rupnik (2011).

³⁵ Bechev (2012).

³⁶ Manchin (2011).

In the spring of 2015 the problematic outcomes of Europe's transformative strategy have become evident. All of a sudden, the whole region looks once again on the brink of chaos. The unity of Bosnia's permanently deadlocked state seems at its lowest level since the war, with the parliament of the Serb entity (the *Republika Srpska*) passing a resolution for a separatist referendum scheduled in 2018.³⁷ Kosovo – plagued by a massive exodus of disillusioned citizens – cyclically convulses in outbursts of instability and violence. To the south, the destabilization of Macedonia – its Euro-Atlantic aspiration long frustrated by the unresolved name dispute with Greece – proves how fragile peaceful coexistence remains in the Western Balkans.³⁸ Islamic radicalism seems on the rise throughout the region, threatening to destabilize already precarious equilibriums. In parallel, Russia's increasingly confrontational attitude towards the West reverberates in the Western Balkans, threatening regional stability and cooperation.

3. The limits of Europe's transformative power:

The structure of this study and its scholarly relevance

In recent years – and as a consequence of the problematic engagement of the EU in the Western Balkans – the limits of Europe's transformative power have come

³⁷ Joseph (2015).

³⁸ In May 2015 eight police and fourteen suspected terrorists were killed in a raging gun battle in Kumanovo, center of Macedonia's Albanian minority. This contributed to the destabilization of the whole political system and forced the EU to step in to broker a difficult provisional agreement between the government and the oppositions. See Matt Robinson and Fatos Bytyci, "Gun battle in ethnic Albanian region deepens Macedonian crisis," *Reuters Online* (May 10, 2015); Sinisa Jakov Marusic, "Hahn brokers snap election deal in Macedonia," *Balkan Insight* (June 3, 2015).

under closer scrutiny by academics and scholars. The literature on Europeanization – that had been mainly focusing on Brussels’ external governance – has been increasingly investigating the way the domestic environment conditions and possibly prevents EU-sponsored reform.³⁹ Domestic strategies of adaptation, partial compliance with EU requests, and fake Europeanization have been increasingly examined in the attempt to explain why Europe’s impact is more visible in some countries than in others.⁴⁰

The present study places itself in the context of this theoretical debate, aiming at giving its original contribution to it. It does so as follows.

In Chapter 1, it presents an analysis of the relationship between integration and transformation in recent European history. It notes how the idea of integrating Europe has always been intrinsically intertwined with the notion of transforming Europe. It examines the intellectual process by which Europe’s transformative power – a concept that had been developed to explain change in European member states as a consequence of EU membership – has been extended to analyze post-communist transition in neighboring candidate countries. It argues that Europe’s unquestionable success in in the CEECs gradually turned Brussels’ transformative power into an axiom. Europeanization, consequently, became a model that could be successfully exported to new, different theaters. It recounts, finally, how and why that model became increasingly inadequate to explain the developments in selected countries in the Western Balkans. It focuses in particular on the limits of

³⁹ Radaelli (2003); Olsen (2003); Börzel and Risse (2009).

⁴⁰ Jacoby (2004); Elbasani (2008); Noutcheva (2009).

Europeanization in post-conflict environments, questioning the very existence of Europe's transformative power in such cases.

Chapter 2 and 3 support the argument made in chapter 1 by presenting the case of Bosnia. Chapter 2 recounts the process through which the EU became involved in Bosnia, focusing on Europe's different strategies to advance its reform agenda in the sense of Europeanization. It argues that what the EU has been pursuing in Bosnia is an unprecedented member state building attempt, combining state building and enlargement. It considers the relationship between the EU and different international and local actors, in the attempt to test the existence of Europe's transformative power.

Chapter 3 builds on the narrative of Chapter 2, presenting Bosnia two decades after the end of the war, and after more than fifteen years of consistent Europeanization attempts. It shows how Bosnia's democratic consolidation remains a work in progress and argues that Brussels' member state building operation has essentially failed. Bosnia's polity remains strongly polarized and deeply divided; the political system remains deadlocked and unable to convincingly implement reform; institutions remain highly ineffective and unaccountable. No measurable progress has been made towards EU accession. As a consequence, Europe's capacity to decisively impact the situation is waning. Over the past twenty years and despite considerable effort – the chapter concludes – the EU has failed to transform Bosnia into a viable, self-sustaining democracy.

Chapters 4 and 5 carry out a similar analysis with respect to Kosovo. Chapter 4 follows a historical approach, looking at Europe's engagement in the youngest

country in the Western Balkans. It discusses how the lack of internal cohesion about Kosovo's final status has prevented the EU from developing an effective strategy. It argues that Brussels' ability to force compliance and prompt reform in the country has been critically undermined by the fact that Kosovo remains – from a purely EU perspective – a quasi-state.

Chapter 5 looks at the situation in Kosovo today – almost fifteen years after the end of the war. It draws the picture of an unfinished transition, in which young-rooted democratic institutions have consolidated only partially, remaining highly ineffective. It points out that the legitimacy of the state remains contested both domestically and internationally. It discusses the importance of the 2013 Brussels Agreement – a great success of EU diplomacy – and it analyzes its implications for Kosovo and the whole region. Finally it argues that – as it has happened in Bosnia – the prolonged presence of the EU in Kosovo has failed to decisively propel the young country in its transition towards democratic consolidation. Accession, in this perspective, remains distant and hard to attain – even in the long term. Europe's transformative power remains – despite irrefutable diplomatic successes – hard to prove and measure.

Chapter 6 draws some conclusions from the analysis presented in the first five chapters. The limits of Europe's transformative power are further discussed and important policy implications are suggested that make studying Europe's engagement in Bosnia and Kosovo particularly interesting in 2015, at a time when the Western Balkans seems to have lost most of its international relevance.

4. Still thinking about the Western Balkans in 2015?

The policy implications of this study

The cases of Bosnia and Kosovo question some central assumptions underlying Europe's strategy in the Western Balkans, namely

- That the EU be capable of exerting some degree of transformative power towards neighboring countries irrespective of their characteristics;
- That the prospects of membership exert irresistible attraction, decisively pulling candidate countries towards modernization and democratic consolidation;
- That the carrots and sticks of conditionality be sufficient to guide transitioning countries – even highly polarized, deeply divided post-conflict countries – towards compliance with EU norms and regulations.⁴¹

In the cases of Bosnia and Kosovo, EU conditionality has failed to transform the domestic political dynamics in a decisive way. The inducements provided by prospective membership have failed to generate momentum for reform and democratic consolidation. Local political systems have proved characteristically impermeable to EU transformative attempts. Europe's direct executive authority

⁴¹ Grabbe (2001); Grabbe (2006); Schimmelfennig and Sedelmeier (2004).

has backlashed, generating – on the one hand – a worrisome ‘culture of dependency’ and – on the other hand – growing local resistance to Brussels’ impositions.⁴² Brussels’ emphasis on local ownership of the reform process has clashed against cumbersome institutions and unaccountable political systems.

This does not amount to say that the impact of the EU on these countries’ transition has been negligible. Quite the opposite, Europe has been playing its stabilizing role in a way that no other international actor could have. The EU remains the indispensable actor in the Western Balkans, the only player capable of providing the whole region with a shared perspective based on peaceful coexistence, economic development and political integration. European integration – it has been noted – represents ‘the only long-term vision of policy for the region.’⁴³ Its attractiveness for the whole Western Balkans remains virtually unaffected by decades of problematic, inconclusive engagement.⁴⁴

Modernization and democratic consolidation in a post-conflict environment, however, follow dynamics that are hardly reconcilable with the dynamics of Europe’s accession process. The former tends to put a premium on the stability of the local system. The latter emphasizes the need for reform. The former aims at strengthening local state capacity. The latter assumes that capacity as a precondition for reform.⁴⁵

⁴²Ignatieff (2003); Recchia (2007).

⁴³ Orlovic (2008), p. 206.

⁴⁴ Serbia’s Prime Minister Vucic – for instance – recently reaffirmed his country’s commitment to move resolutely forward on the path towards Europe, even in the face of growing political pressure from Russia. Prime Minister of Serbia Aleksandar Vucic’s remarks (*Serbia’s Strategic Choices*) at the Johns Hopkins University – SAIS in Washington, DC (June 4, 2015).

⁴⁵ Börzel and Risse (2009), p. 11.

Timetables differ to a great extent. State building is an open-ended process determined by local capabilities to deal with war traumas, build a new, shared identity, and create a new common home. It starts from culture and identity, and reverberates at the political and institutional levels. Enlargement – on the contrary – needs a relatively short temporal horizon. It starts with a mutual commitment made by the EU and the transitioning country, and ends with accession. Failure to proceed towards membership undermines its impact as an engine for reform and tends to discredit the actors involved.

In state building, the international community plays a critical yet limited role enabling, facilitating and guiding consolidation. In the case of enlargement, the EU aims at overcoming the challenges posed by the local environment in order to transform and integrate the applicant country.

Decades after the wars of Yugoslav succession, the EU remains one indispensable actor in the transition and long-term stabilization of Bosnia, Kosovo and the Western Balkans as a whole. It has a vested interest in sustaining and promoting it by all possible means. It needs to remain committed to the development of these countries. There are, however, stringent constraints to Europe's capacity to influence post-conflict theaters such as Bosnia and Kosovo – the following chapters demonstrate. The limits to what the EU can achieve in this kind of situations – the following pages argue – are clear.

These conclusions have implications that are important at different levels: (1) at regional level, (2) at European level, and (3) at global level.

(1) If we look at the future of the Western Balkans, it is easy to argue that the limbo in which Bosnia and Kosovo are currently mired represents a less-than-optimal solution. Long-term stability without formal EU membership will be difficult to secure. In the absence of progress towards accession, Europe's role as a stabilizing factor will be increasingly called into question. Disintegrating forces will find growing political space and more room for maneuver. Local and regional consolidation will not be completed. Europe's credibility will suffer. More importantly, the EU will miss a historic opportunity to pacify and unify an integral part of the continent.

The rationale for enlargement in the Western Balkans, in sum, remains powerful. The stabilization of Europe's backyard – indeed, its courtyard – remains a crucial security interest for the Union. Yet enlargement is not necessarily bound to happen on Europe's terms. In a not distant future, Europe is going to be increasingly pressed to recognize the fact Bosnia and Kosovo cannot remain indefinitely the two black holes in the heart of the European construction. They will need to be moved along on their path to accession together with the rest of the Western Balkans, and despite the fact that their degree of compliance with EU conditionality is unsatisfactory.

Standards will necessarily have to be lowered. Europe's emphasis on the technical aspects of the *acquis communautaire* will need to take into account the fundamentally political nature of the enlargement process. Two decades of

continuous engagement – this study shows – have failed to transform Bosnia and Kosovo. Europe is consequently faced with the need to realize that the stabilization and integration of the whole Western Balkans is more important than Brussels' determination to prove the existence of its transformative power.

(2) At European level, the cases of Bosnia and Kosovo question the efficacy of enlargement as a viable strategy to deal with post-conflict situations. The rationale for state building is hardly reconcilable with the rationale for enlargement. Agendas tend to conflict. The overall efficacy of both processes suffers.

The logical consequence of this study is that the suggestion – advanced by some EU officials and scholars – that enlargement might represent an option when it comes to the long-term stabilization of countries such as Ukraine should be rejected. The idealization of enlargement as the panacea for every security issue affecting Europe should be discarded. Enlargement – as Cecchini *et al.* note – is rooted in very practical considerations.⁴⁶ It should be used to solve problems, not to create even bigger ones.

Europe's transformative power in post-conflict environments is not proved. The transformation of relatively small countries deeply integrated in the European system has proved a daunting task for the EU. The chance that the Union will successfully integrate countries that are much bigger, that lie in more complex

⁴⁶ Cecchini *et al.* (2001).

international environments, or that are characterized by a weaker internal pro-European consensus looks slight at best.⁴⁷

Enlargement is out of the table – Europe’s failure in Bosnia and Kosovo suggests. The idealization of enlargement as the panacea capable to stabilize Europe’s surroundings has been finally exposed for what it really is: a potentially dangerous delusion. European officials and policy-makers – as a consequence – should finally discard the transformational narrative and focus on realistic responses to Europe’s increasingly unstable and dangerous security environment.

(3) In this study, we look at Bosnia and Kosovo as international state building operations in which both the conditions on the ground and the motivations of the main players were conducive – at least in theory – to a smooth transition from post-conflict theaters into modern, consolidated countries. These ideal conditions notwithstanding, the establishment of viable, self-sustaining institutions has been painfully slow, often contrasted and characterized by many reverses. Democratic consolidation remains partial and often elusive.

The implications for state building worldwide are self-explanatory. When dealing with interventions in more remote areas, where the power of inducements at hand is more limited, and where different international actors compete for influence, the potential for problematic outcomes increases exponentially. Western involvement in Afghanistan, Iraq and Libya – just to mention a few recent cases – speaks volumes in this respect. The consolidation of viable, self-sustaining states –

⁴⁷ Popescu and Wilson (2009).

the cases of Bosnia and Kosovo seem to suggest – take time, patience and a realistic approach. The limits of the transformative power of the international community in post-conflict environments need to be taken into careful consideration.

Chapter 1

The (questionable) transformative power of Europe:

Europeanization and its limits

The European project is an in-principle-unfinished object, an object of scrutiny, critique, and possibly remedial action [...], a continuous process – forever imperfect yet obstinately struggling for perfection – of *remaking the world*.¹

Europe has always been a term that designates what Europe *will be*, or would like to be, or should be. The figure of Europe has historically always been a *task*.²

Ever since its early formulations, the idea of European integration has been closely linked to the concept of transformation. European scholars and policy-makers have looked at European integration as an opportunity to transform a regional system that – throughout the first half of the twentieth century – had failed to find internal balance and stability. Furthermore, integration was seen as the best

¹ Bauman (2004), p. 8 (italics in the original).

² Cacciari (1994) (italics in the original).

bet for Europe to gain back some form of control on its own environment after World War Two – when the consolidation of the bipolar dynamics of the Cold War risked to turn once powerful European actors into little more than a theater for superpowers' confrontation.

European integration was often seen as a historic transformative opportunity under yet more respects. The creation of common European institutions was a first step towards the transformation of Europe's norms and values, to the creation of a new European political culture, to the establishment of a new European identity. The EU – Ian Manners famously explained – is by nature a normative power: it acts to change the norms of the international system in which it operates, and has a natural tendency to extend its own norms into that very international system.³

Membership in European institutions, therefore, would transform European states through the impact of European norms and regulations on national legislations and – on an even deeper level – through a powerful effect of socialization within the European community. The concept of Europeanization was developed in the scholarly literature to define the impact of the process of integration on European member states, as well as to describe the multifaceted effects of Europe's transformative power.

Starting in the mid-1990s – and given the relatively successful story of political and economic transition of the CEECs – Europeanization has been credited

³ Manners (2002), p. 252.

by large part of the scholarly literature to be the single most important process capable of fostering and consolidating democracy, stability, and economic development in post-communist countries.⁴ Change in economic, political and institutional terms has tended to be faster and more secure – scholars have pointed out – in countries engaging in an increasingly close structural relationship with the EU. Credible prospects of EU membership – in particular – have acted as the pivotal catalyst for political stability, institutional reform and economic modernization in post-communist countries. In its successful attempt at guiding the CEECs from communism to membership in the European club – the scholarly literature noted – the EU has proved the existence of a real transformative power.

More recently the concept of Europeanization has been employed to explain change in different regions engaging in increasingly close relations with the EU, such as Turkey, the former Soviet space and the Western Balkans.⁵ The Western Balkans, in particular, have represented the most credible and honest effort on the part of the EU to apply and expand the lessons learned from post-communist transition of the CEECs to a new, different theater. Starting in the early 2000s, accordingly, the model of Europeanization developed in the CEECs has been applied to the Western Balkans, partially adapting it to specific local circumstances. All the countries of the region have been presented with a common European perspective. They have been granted financial and technical assistance subject to the condition that they commit

⁴ See for instance Cowles, *et al.* (2001); Grabbe (2001); Grabbe (2006); Lippert, *et al.* (2001); Hughes, *et al.* (2004); Schimmelfennig and Sedelmeier (2005).

⁵ See for instance Bauer, *et al.* (2003); Tocci (2005); Börzel (2011); Elbasani (2009); Elbasani (2012); Noutcheva and Aydin-Düzgit (2012).

to an agenda of reform and modernization that would lead them to converge towards EU standards. They have been engaged in an increasingly close structural relationship with Brussels through the so-called Stabilization and Association Process (SAP).

The irresistible power of attraction exerted by the Union was once again expected to set in motion a virtuous process of transformation of the whole region. The positive and negative inducements presented to local actors by political and economic conditionality were expected to foster reform, leading the whole region towards future membership in the Union.

Unfortunately, it soon became evident that Europeanization in the Western Balkans was faced with new, unprecedented challenges. Europe's transformative power was suddenly confronted with its inherent limits. The strategy the EU had developed to engage relatively consolidated states in Central and Eastern Europe showed its limits once it was implemented in a highly fragmented and polarized post-conflict environment such as the Western Balkans. Increasingly, the paths of Western Balkan countries seemed to diverge. Some managed to engage successfully in the accession process, making considerable progress towards membership. Some other lagged farther and farther behind, proving unwilling or unable to take advantage of the opportunities offered by prospective EU membership.

In some Western Balkan countries Europeanization tended to stall altogether. Reform was not satisfactorily implemented; local political systems remained highly ineffective; young-rooted institutions struggled to find internal and international legitimacy; economic and democratic transition led to problematic

outcomes. Contrary to what the theory predicts, EU conditionality failed to critically influence local elites by changing their cost-benefit calculations. As a consequence, the EU failed to play a decisive role fostering the reform of local economies, societies and political systems.⁶

The apparent lack of progress on the path to Europeanization of the Western Balkans led to the emergence within the EU of so-called 'Balkan fatigue.' The whole European strategy based on Europeanization was increasingly called into question.⁷ Doubts arose about the existence of a real transformative power of the EU – something that had been postulated as a consequence of the successful engagement of Brussels in the transition of the CEECs. A new emphasis on local ownership of the transition process emerged.

This chapter analyzes Europe's transformative power, its characteristics and its limits. It does so by focusing on the link between integration and transformation in the story of the European Community (EC)/EU since its foundation. The ideas of integration and transformation – it argues – have been closely intertwined since the beginning. The process of European integration is by nature a process of transformation of Europe. The institutional mechanisms through which this process of transformation unfolds are described by referring to the most influential scholarly literature on the subject. Particular emphasis is given to the analysis of Europe's transformative power in the context of post-communist transition in the CEECs. Finally, the problematic outcomes of Europe's engagement in the Western

⁶ On this issue see Sebastian (2008).

⁷ Bechev (2012).

Balkans are discussed, thus introducing the more in-depth empirical analysis that will be presented in the following chapters.

1. Integrating Europe, transforming Europe:

The intellectual origins of Europe's transformative power

As far back as the Middle Ages, European scholars and diplomats imagined political integration of the continent as a means to transform strategic and diplomatic relations among European powers, and to better control the inherently dangerous nature of continental politics. Pierre Dubois, a jurist and diplomat for the courts of both France and England, proposed in 1306 the establishment of a permanent assembly of princes working to secure peace among European powers through the application of Christian principles.⁸ Maximilien de Béthune, the Duke de Sully, suggested a federation of states that would better be able to defend Europe against Turkish threat.⁹

More recently, the prominent English Quaker William Penn was one of the first to argue – in 1693 – for the establishment of a European parliament and the end of the state mosaic in Europe.¹⁰ On the same line, Jeremy Bentham reiterated the argument for a European assembly. Furthermore, he urged the creation of a

⁸ Urwin (1995), p. 2.

⁹ Kohn (1961), p. 194.

¹⁰ Urwin (1995), p. 2.

common European army.¹¹ In 1814, Henry de Saint-Simon advanced a stronger and more detailed scheme for institutional unity, comprising a European monarch, government and parliament. Lasting peace – he argued – would be attained through the creation of a United States of Europe.¹²

In the second half of the nineteenth century, champions of continental union looked with growing fear at the rise of economic, social and political tensions in Europe, and at its possible implications for continental stability and security. The gradual weakening of the Concert of Europe and the shifting geopolitical balance within the continent – in particular with the coming of age of national movements in Italy and Germany – called for a deep transformation of Europe's political and diplomatic dynamics. A League for Peace and Freedom was therefore founded in the 1860s that – for a time – secured the backing of an eminent and powerful sponsor as French Emperor Napoleon III. At the League's first meeting in 1869, French writer Victor Hugo openly advocated the creation of the United States of Europe.¹³ That same year a German – Eduard Loewenthal – founded the League for the Union of Europe.¹⁴ Surprisingly surviving the Franco-Prussian War of 1870-71, the League remained active throughout the late nineteenth and early twentieth century. Under the leadership of Charles Lemonnier, it provided a continuous stream of activities and publications that – though undoubtedly far removed from the center of European political life – advanced the concept that the very structure of continental politics had to be fundamentally transformed, if Europe was to avoid

¹¹ Urwin (1995), p. 2.

¹² Urwin (1995), p. 3.

¹³ Schmitt (1962), p. 7.

¹⁴ Guglia (1954), p. 36-37.

the potentially devastating consequences of growing economic, political and diplomatic competition among its major players.

In the immediate aftermath of World War One – when Wilson’s Fourteen Points were still a mere object of discussion – Italian liberal Luigi Einaudi compared them to ‘the American Articles of Confederation’ and insisted that ‘Europe really needed a replica of the American Constitution.’¹⁵ Faced with the unprecedented degree of moral and material devastation brought about by World War One, leading European intellectuals and policy-makers looked at the idea of European integration as an effective tool to transform once and for all those political dynamics that had led European powers to war, causing the near-demise of the whole continent.¹⁶

In 1923, Austrian politician Richard von Coudenhove-Kalergi presented the international community with the idea of unifying continental Europe into what he called *Pan-Europa*. The changed geopolitical reality of the world after the end of World War One – reasoned the founder of the first popular movement for a united Europe – called for the complete transformation of European politics and diplomacy, traditionally based on the continental balance of power. The world of the early twentieth century was bound to consolidate itself into five big centers of power competing for global hegemony: the British Commonwealth, the USSR, a Pan-American Union encompassing both North and South America, a Pan-Asian Union led by China and Japan and, finally, the union of all continental European powers. In order to play a significant role in such an increasingly competitive framework –

¹⁵ Delzell (1960), p. 241.

¹⁶ Calleo (1965), p. 30.

Coudenhove-Kalergi pointed out – continental Europe needed to transform itself into *Pan-Europa*, a cohesive and unified actor. Recently dissolved Austrian-Hungarian Empire would serve as a useful precedent for *Pan-Europa*: the new international actor would be federated along the lines of the former multinational Habsburg empire, with a high degree of autonomy for its constituting entities and English as the vehicular common language.¹⁷

Coudenhove-Kalergi's argument was not new, but managed to attract for the first time prominent politicians to his Pan-European agenda, placing the idea of European integration at the center of the stage of continental politics.¹⁸ Czech foreign minister Eduard Benes, French statesmen Aristide Briand and Eduard Herriot, post-World War Two leaders such as Konrad Adenauer, Georges Pompidou and Carlo Sforza were strongly influenced by Coudenhove-Kalergi's ideas and by the Pan-European movement.

Under the auspices of the Pan-European movement, French Prime Minister Edouard Herriot was perhaps the first leading political figure to openly advocate the transformation of Europe into a new, united political actor. In a speech on European security on October 24, 1924, Herriot declared: 'Let us create, if it is possible, a United States of Europe.'¹⁹ The French statesman would consistently pay lip service to the creation of such a continental union in subsequent years. Never, however, did he actually try to set in motion a political process that might enable that political transformation to be realized.

¹⁷ Coudenhove-Kalergi (1926). See Gehler (2002); Saint-Gille (2003).

¹⁸ Urwin (1995), p. 5.

¹⁹ Quoted in Urwin (1995), p. 7.

In 1929 it was French Foreign Minister Aristide Briand who made the first serious attempt to advance the debate on the transformation of Europe on a governmental level. In a famous speech before the General Assembly of the League of Nations in Geneva, he proposed a plan that provided for the establishment of a 'confederal' bond between European peoples by means of the creation of an organization of European states, to be endowed with real political powers.²⁰ A subsequent French memorandum on May 1, 1930 proposed the creation of two agencies: a legislative conference and an executive committee.²¹ The Briand Memorandum represents the first official initiative presenting the ideas of European integration in a fairly specific political format.

The idea of European integration resurfaced again during World War Two – this time mostly as part of an argument on the role of the state in international relations. The historic notion of the independent state as the central building bloc of the international system had been discredited by its incapacity to provide economic development and political stability throughout the first half of the twentieth century – it was commonly pointed out at the time. As a consequence – theorists of integration argued – Europe's anarchic system of states had to be abandoned and replaced by a concerted effort aiming at the creation of a comprehensive continental political community. It was among the Resistance movements of occupied Europe that that voice was most strongly heard. The *Ventotene Manifesto* – published by Altiero Spinelli in July 1941 – was one of the most important attempts to put the

²⁰ Albertini (1950), p. 488.

²¹ Weigall and Stirk (1992), pp. 11–15.

transformation of Europe into an integrated political subject back on the continental agenda.²² It was eventually adopted by the whole Italian Resistance movement and led to the formation in August 1943 of the European Federalist Movement, which committed to establishing contacts with similar movements across the continent. During a conference in Geneva in July 1944, the movement put forward a plan for a federal Europe with a written constitution, a supranational government directly responsible to the peoples of Europe, and a common army.²³ A European judicial tribunal would have the sole authority to interpret the constitution and to decide in cases of conflict between the federation and its constituent parties.²⁴ According to the federalist movement, in sum, to integrate Europe meant to fundamentally transform the very notion of a regional system based on the concept of national sovereignty – a doctrine deemed old and discredited.

The federalist agenda, however, failed to secure the support of political elites and public opinions across Europe. As the U.S. Department of State duly noted in 1943, there was ‘little indication of a changed attitude among European statesmen’ when it came to ‘proposals for the organization of Europe on a regional or other group basis.’²⁵ When Sir Winston Churchill – speaking at Zurich University on September 19, 1946 – advocated the creation of a ‘European family’ and the building of ‘a kind of United States of Europe,’ it was still utterly unclear in which direction such integration process should lead.²⁶

²² See Nelsen and Stubb (1998). See also Spinelli (1984); Angelino (2003).

²³ Lippens (1984).

²⁴ Pistone (2008).

²⁵ U.S. Department of State (1943), p. 2.

²⁶ Quoted in Rose (2009), p. 332.

Plans for a confederal or intergovernmental Europe seemed to gain currency among leading politicians in the immediate aftermath of World War Two. In 1949 Michel Debré, a leading Gaullist and the first Prime Minister of the French Fifth Republic, called for a 'union of European states.'²⁷ National identities – intergovernmentalists pointed out – were not to be diluted into a fictitious new European identity artificially created by a remote and irresponsible 'technocratic body of elders.'²⁸ European states were not going to disappear. Quite the opposite, they were bound to remain the indispensable agents in European politics, retaining final political legitimacy and responsibility.

Yet the analysis of intergovernmentalists agreed with that of federalists in one crucial respect. The dynamics of European politics had to be transformed if the continent was to secure long-term peace and stability, while preserving at least some of its influence on the world stage. Starting from a realist reading of the geopolitical situation of post-World War Two Europe, they saw the process of integration as an attempt at rescuing the nation state, not at disposing of it as an old, useless tool.²⁹ Whereas federalists aimed at transforming Europe by radically departing from Europe's traditional system of states and creating a new continental federation, intergovernmentalists focused on gradually transforming the

²⁷ Quoted in Urwin (1995), p. 105.

²⁸ In such terms – several years later – did French President Charles De Gaulle express its view on the process of European integration, and on the need to build a 'Europe of States.' See Charles De Gaulle, press conference (September 1965), quoted in Passeron (1966), p. 256.

²⁹ See Milward (1992).

geopolitical framework in which post-World War Two European states operated, pooling their resources together in order to survive and thrive in a changed world.

2. Europe's transformative power:

How integration transforms European member states

The first, crucial steps towards European integration, however, were due to neither of the above-mentioned schools of thought. The initial phase of Europe's transformation into a more integrated political subject was not achieved by getting rid of traditional states, nor was it pursued by simply strengthening the interaction among European governments. It was the decision to create a series of supranational authorities tasked with the regulation and harmonization of crucial economic interests at both technical and political level what finally sparked the process of European integration in the early 1950s.³⁰ The European Coal and Steel Community (ECSC) – launched in 1951 – the European Atomic Energy Community (Euratom) and the European Economic Community (EEC) – both created in 1957 – instituted an unprecedented form of shared control over crucial economic sectors. French political economist Jean Monnet was the man behind this innovative approach to the transformation of Europe.

In his action, Monnet was driven by a stirring and powerful fixation. He realized that the economic modernization, and the very political survival of his

³⁰ On the subject see for instance Diebold (1959); Mason (1955).

native France as a nation depended upon the creation of some form of European union.³¹ The realist element that informed the thinking of intergovernmentalists, therefore, was not absent from Monnet's approach. His main focus was not the elimination of the state, but the attempt to devise a new method for resolving potential conflicts between European states. The creation of supranational institution, in this perspective, implied an international organization far more robust than a mere confederation, which by definition is capable of reaching agreement only by means of compromise and consensus. Monnet claimed that the establishment of strong, remote executive authorities dealing with specific, yet crucial technical issues could act quickly and decisively – make big changes fast – and help propagate cooperation from a strictly technical level to broader political issues, finally leading to political federation.

Monnet's thinking gave rise to what is commonly defined as the functionalist approach to European integration – an approach that has had a long-lasting influence on the way European institutions perceive themselves and their role. In a nutshell, functionalism holds that the creation of new institutions at the supranational level will have effects that 'spill over' into the national arena. A process is set in motion that strengthens the authority of the state at all levels, increases power supranationally and binds states more closely together.³²

With functionalism, the link between European integration and transformation changes in nature. Both federalists and intergovernmentalists had been mainly focusing on the external – or international – effects of integration. By

³¹ Gillingham (2003), p. 17.

³² Haas (1958), p. 28.

integrating Europe into a federation – or into a confederation – they aimed at transforming the dynamics of European politics traditionally based on the balance of power and a dangerous coexistence in an anarchic environment. Functionalists, now, focused first and foremost on how the process of European integration transforms member states domestically. The ‘spill over’ theory points to the capacity of Europe’s supranational institutions to trigger change within member states that, in turn, leads to deeper integration, thus to further domestic transformation and so on – in a virtuous circle culminating in an ever closer union.³³

This new emphasis on the link between European integration and domestic change in member states opened the way for a whole new stream of scholarship. Starting in the late 1950s, the study of behavioralism was applied to the process of European integration. Karl Deutsch was one of the first scholars to attempt an in-depth analysis of the extent to which perceptions and preferences of elites, public opinion and influential interest groups in countries such as France and West Germany were being transformed in the context of the process of European integration.³⁴ In Deutschian terms, social communication is paramount in explaining the creation and transformation of political communities. Identities can be transformed, a sense of shared fate can be forged, and the idea of a ‘common’ can be created through the interaction of political communities.³⁵ From a behavioralist point of view, therefore, the creation of the EEC (and other European institutions)

³³ Dinan (1999).

³⁴ Deutsch (1967). See also Deutsch (1957) and Deutsch (1964).

³⁵ Deutsch (1957).

leads to a surge in communication among European political and economic elites, to an increase in trade flows and to greater interaction between national public opinions. This, in turn, leads to the consolidation of a new integrated political community in a process that is hardly reversible. In this perspective, therefore, the process of integration fundamentally transforms domestic politics within member states by transforming the way elites and public opinions across Europe communicate with each other, deal with each other and think about each other.

In the framework of behavioralist analysis, the process of European integration becomes a function of the transformation of the political culture in member states. It fosters such a transformation of the political culture and – at the same time – it depends on such a culture shift in order to consolidate itself in the long run. In this perspective, the analysis of scholars such as Ronald Inglehart is particularly meaningful. In his work, Inglehart focuses on the role played by economic, technological and socio-political change to explain the transformation of political cultures.³⁶ Furthermore, it points to intergenerational shift as a major determinant of the establishment of a new political culture.³⁷ In this perspective, the creation of the EC – by providing new economic incentives, fostering technological integration, facilitating interaction between citizens of different member states – naturally leads to the emergence of a new, common political culture. Furthermore, the coming of age of new generations who are exposed to and raised within a peaceful and cooperative economic community consolidates such a

³⁶ See Inglehart (1971). See also Inglehart (1977) and Inglehart (1991).

³⁷ Inglehart (1977).

value shift, transforming the political culture within European member states at an even deeper level.³⁸

The concept of *Europeanization of political culture* has been used in the scholarly literature to refer to this process. On the one hand, it is a product of the process of European integration – a consequence of the creation and consolidation of effective common institutions. On the other hand, it is a decisive factor that fosters the consolidation of those very institutions that sparked it, allowing the process of integration to deepen further.³⁹

Political parties are central actors in the organization of modern European democracies. They give representation and substance to European countries' political cultures. Indeed, 'party politics' is arguably a synonym of 'parliamentary democracy' in today's Europe. As a consequence, it is only natural that the next step in the scholarly research on the transformational impact of European integration on member states was to focus on parties and party systems. In recent years, scholars such as Robert Ladrech have been describing the *Europeanization of party politics* as a result of the growing integration and interdependence among European member states.⁴⁰ The process of European integration represents a qualitative shift in the context within which national political parties operate.⁴¹ From a state-centric paradigm, the field in which political parties operate has enlarged to a system of

³⁸ Inglehart (1971).

³⁹ Smith (1992).

⁴⁰ Ladrech (2002). See also Poguntke et al. (2007¹); Poguntke et al. (2007²); Caramani (2015).

⁴¹ Luther and Mueller-Rommel (2002), p. 345.

‘unbounded territories.’⁴² On the one hand, this means that political responsibility and the chain of democratic accountability have become more blurred. On the other hand, it provides new opportunities and incentives for national political elites, impacting the parties’ programs and policies, their organizational structure, the patterns of party competition and their relations with national governments.⁴³

The impact of European integration on domestic politics – scholars have been arguing – has become particularly evident with the transition from EC to EU. National identities, citizens’ values and norms, public discourse, societal networks, national legislations and court systems have been gradually transformed by the presence of the European Union.⁴⁴ The EU has grown to represent a central element in the everyday life of every citizen of the Union, shaping the public debate within the member states and increasingly attracting the attention of the media. In recent years, accordingly, scholars have advanced the concept of *Europeanization of the public sphere* – a concept that refers to the extent to which European affairs become visible and salient in the national public spheres of European countries.⁴⁵ The lack of a common language and the presence of deep-seated cultural differences between European countries have represented a major obstacle to the formation of a common European public sphere – scholars have pointed out.⁴⁶ Arguably, national public spheres remain central in the life of citizens across Europe. The deepening of

⁴² Bartolini (1999).

⁴³ Ladrech (2008), p. 140.

⁴⁴ Cowles *et al.* (2001).

⁴⁵ As it has been noted: modern democracy is unthinkable without a ‘vibrant “agonistic” public sphere of contestation where different hegemonic political projects can be confronted.’ See Mouffe (2005), p. 3.

⁴⁶ Smith (1992); Grimm (1997).

the process of European integration, nonetheless, has caused what theorists define as a pervasive phenomenon of ‘transnationalization’ in Europe, leading to the gradual establishment of a single ‘European perspective’ on national media, to the increasing centrality of European themes in the public debate, and to the emergence of common European symbols.⁴⁷ A new European identity has been created at the level of mass public opinion as a consequence of this process of Europeanization – scholars such as Thomas Risse have pointed out.⁴⁸ As a result of this process, contemporary Europe is characterized by the tension between two distinguishable identities: a ‘EU European identity’ characterized by liberal values such as democracy, human rights, the rule of law and the market economy; and a ‘nationalist European identity’ that sees Europe ‘in primarily cultural terms, as a (Western) civilization with a common historical heritage, strong national traditions, Christianity as its core religion, and clear geographical boundaries.’⁴⁹

3. Defining Europeanization:

The many faces of Europe’s transformative power

As this brief summary shows, the scholarly research on Europe’s transformative power has been focusing on the different mechanisms through which the process of integration impacts politics, institutions and societies in

⁴⁷ See Risse (2010). See also Kaelble (2002); Diez Medrano (2009).

⁴⁸ Risse (2010).

⁴⁹ Risse (2010), p. 61.

member states. The concept of Europeanization has been developed and used by scholars to describe such mechanisms and its effects on member states and societies. Different scholars, however, have looked at Europeanization from different perspectives. The term itself has thus acquired a number of slightly different 'faces' and meanings that can be problematic and – arguably – potentially misleading.⁵⁰ Not surprisingly, therefore, scholars of European affairs have been long debating about the accuracy and usefulness of this term, questioning in particular the considerable level of ambiguity and vagueness associated to it.

In order to have a clearer picture of the scholarly debate on this subject, it is worth spending a few paragraphs looking more specifically at how some of the most influential scholars have defined Europeanization. Starting with Ladrech, Europeanization can be seen as

an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making.⁵¹

Tanja Börzel focuses on a different aspect of Europeanization, when she defines it as

a process by which domestic policy areas become increasingly subject to European policy-making.⁵²

⁵⁰ Bache and Jordan (2006).

⁵¹ Ladrech (1994), p. 17.

With a yet different focus, Cowles *et al.* point to

*the emergence and development at the European level of distinct structures of governance, that is, of political, legal and social institutions associated with political problem solving that formalizes interactions among the actors, and of policy networks specializing in the creation of authoritative European rules.*⁵³

Héritier *et al.* focus primarily on the impact of European legislation and decisions on member states. In this perspective, Europeanization becomes

the process of influence deriving from European decisions and impacting member states' policies and political and administrative structures. It comprises the following elements: the European decisions, the processes triggered by these decisions as well as the impacts of these processes on national policies, decision processes and institutional structures.⁵⁴

Radaelli, finally, sees Europeanization as a series of

⁵² Börzel (1999), p. 574. For more analyses on this line, see Harmsen (1999); Checkel (2001); Olsen (2002); Bulmer and Lequesne (2005).

⁵³ Cowles *et al.* (2001), p. 3 (*italics in the original*).

⁵⁴ Héritier *et al.* (2001).

Processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies.⁵⁵

In some instances, the concept of Europeanization is employed to describe developments. On other occasions it is used to explain the causal mechanism of change. In some cases it describes the process of internalization of European norms, values and paradigms characterizing the founding member states of the EC in Western Europe.⁵⁶ In other analyses, it is employed to explain economic and political change in some West-European non-member states. In these cases, therefore, it introduces the notion of the presence of a transformative power of the EU towards third countries.⁵⁷ Finally – and more importantly for the sake of this study – a substantial body of literature has emerged that employs the term Europeanization to characterize the process of post-communist transition in the context of the Eastern enlargement.⁵⁸ It is at this point that the picture becomes even more complex, as scholars introduce a new, geographical discrimination between 'Europeanization, Western style' and 'Europeanization, Eastern style.'⁵⁹

⁵⁵ Radaelli (2003), p. 30.

⁵⁶ Hix and Goetz (2000); Radaelli (2000); Börzel and Risse (2003). See also Bulmer and Burch (2001).

⁵⁷ Kux and Sverdrup (2000).

⁵⁸ See for instance Sedelmeier (2006).

⁵⁹ Anastasakis (2005). Similarly, Héritier (2005) writes about 'Europeanization West' and 'Europeanization East.'

Let us now turn to analyze this specific aspect of the literature on Europeanization, which is central for the present study.

4. Transforming post-communist countries:

Transition in the CEECs as a function of EU external governance

Europeanization in the context of the Eastern enlargement has been defined as the process by which the EU – through a mix of inducements and sanctions – manages to exert an overpowering influence on candidate countries, ultimately changing their ‘national patterns of governance.’

The inherently asymmetrical nature of power relations between the EU and candidate countries – especially evident in the immediate post-Cold War phase – allowed for Brussels’ ‘exorbitant leverage on domestic affairs of applicant countries.’⁶⁰ A relationship based on ‘asymmetrical interdependence’ was established, in which the EU did not need to directly ‘coerce candidates into meeting the membership requirements.’⁶¹ The power of attraction of the EU – together with applicant countries’ desire to ‘return to Europe’ after the fall of the communist bloc – was strong enough to pull transitioning countries towards the agenda of institutional reform, political and economic modernization set in Brussels.⁶²

⁶⁰ Schimmelfennig and Sedelmeier (2008), p. 98.

⁶¹ Vachudova (2005), p. 109. See also Moravcsik and Vachudova (2003).

⁶² Grabbe (2001). See also Goetz (2001); Schimmelfennig, *et al.* (2003); Lavenex and Ucarer (2004).

Throughout the process of Eastern enlargement – theorists of Europeanization maintain – the EU proved to possess the power to actually ‘transform’ candidate countries. As Vachudova explains in her groundbreaking study of transition in Central and Eastern Europe, EU ‘transformative power’ rested on two pillars. On the one hand, transitioning candidate countries were transformed by the sheer power of attraction exercised by the prospects of EU membership (‘passive leverage’). On the other hand, they were transformed by the actual transformative effects of the criteria for membership imposed by Brussels (‘active leverage’).⁶³

The very term ‘accession negotiations’ – commonly used to refer to the candidate countries’ gradual strengthening of contractual relations with the EU – is ultimately misleading in this perspective. Throughout the process of Eastern enlargement, in fact, very little was left open for negotiations between individual candidate countries and Brussels. The CEECs were basically presented with a take-it-or-leave-it choice. By accepting the rules of the game set in Brussels, they were able to reap the benefits provided by the strengthening of relations with the EU in terms of economic assistance, technical advice and – above all – prospective membership. Nonetheless, they had no real power of negotiating the conditions they were asked to fulfill in order to advance on their path to EU membership.

According to the theory of Europeanization, in sum, national systems of governance in transitioning post-communist countries were intrinsically permeable

⁶³ Vachudova (2005).

to policies set by Brussels, and ready to conform to European-wide norms.⁶⁴ The process of Europeanization was seen as a 'positive external shock for promoting institution-building, learning and policy-making innovations' in candidate countries – the real engine for change and reform in Central and Eastern Europe.⁶⁵ Economic, political and institutional change in post-communist countries was seen as a function of the impact of the EU on those countries. Successful transition in Europeanized post-communist countries was *per definitionem* the product of 'EU external governance,' responding to a rather simple 'external incentive model' in which Brussels played center stage, while local actors tended to merely react to the inputs coming from the center.⁶⁶

In this respect – scholars argued – the Europeanization of the CEECs was crucially different from other forms of Europeanization previously described in the scholarly literature, which referred mainly to old member states in Western Europe.⁶⁷

The process of integration among old member states was characterized by a two-level interaction among peers, in which member states were at the same time agents and objects of Europeanization. By means of their membership in common institutions, old member states were in a position to influence the process of creation and implementation of EU rules and regulations from within. At the same

⁶⁴ Olsen (2002), p. 924.

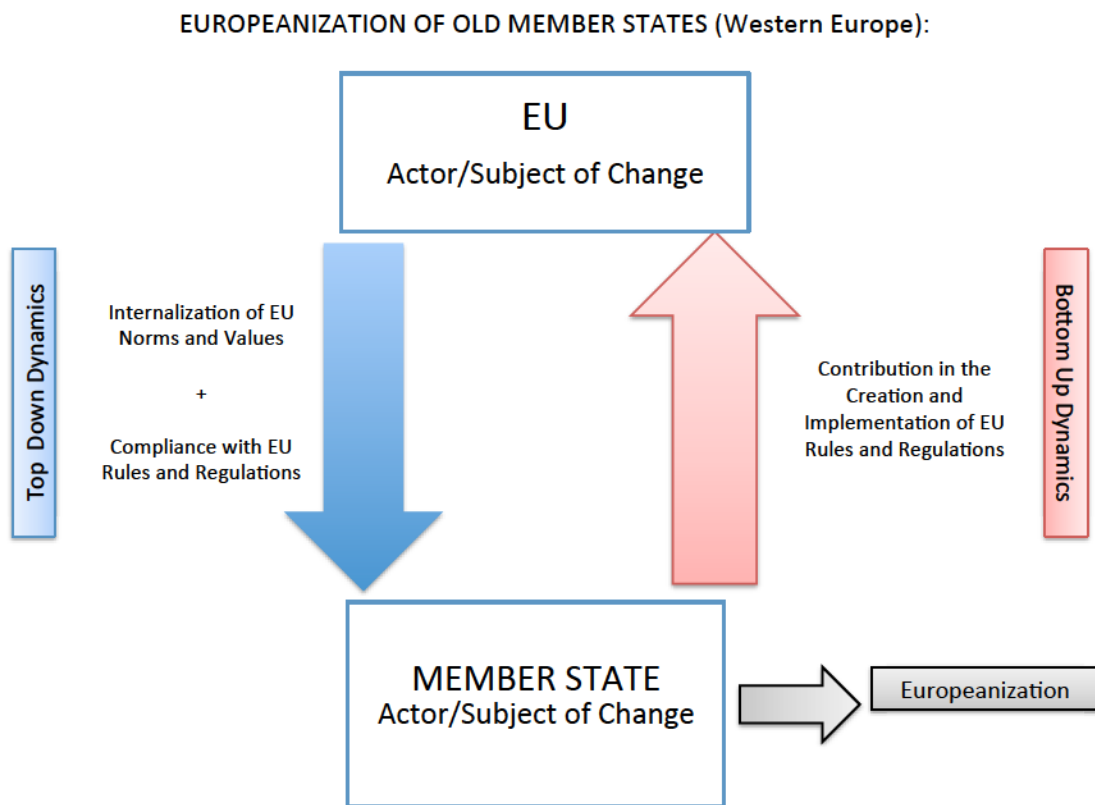
⁶⁵ Paraskevopoulos (2001), p. xxi.

⁶⁶ See Schimmelfennig and Sedelmeier (2002); Schimmelfennig and Sedelmeier (2004); Lavenex (2004).

⁶⁷ See Sedelmeier (2006).

time, their policy priorities, strategic interests and worldviews were gradually shaped by that very process of integration they were contributing to create. Europeanization of old member states, in sum, flowed both ways: from the top down and from the bottom up. Old members were both producers and consumers of Europeanization – ‘Europeanizers’ and ‘Europeanized’ at the same time.

Figure 1.1: Europeanization in old member states.



Europeanization of the CEECs was characterized by a totally different dynamics. Candidate countries in Central and Eastern Europe lacked any effective form of control on the mechanics of the integration process, which were designed

and dictated by the EU. By accepting the rules of the game set in Brussels – we noted above – they were able to reap the benefits provided by strengthening relations with the EU. Throughout the process, nonetheless, they acted as mere consumers of ‘Europeanization.’ The bottom-up dimension of the process was totally lost.⁶⁸ The terms and conditions of the relationship between the EU and applicant countries – between center and periphery – were crucially set from the top down in Brussels.⁶⁹

In the case of the CEECs, a mix of close supervision and powerful inducements – a strategy of ‘reinforcement by reward and support’ – fostered applicant countries’ gradual convergence on the path of Europeanization.⁷⁰ Political and economic conditionality played a central role in this framework. By linking the progressive strengthening of relations between the EU and post-communist countries to the fulfillment of a range of political and economic conditions by the latter – scholars point out – conditionality represented the single most important institutional mechanism by which the EU transformed the CEECs, ‘Europeanizing’ them. It constituted a ‘powerful incentive and disciplining structure’ for transitioning post-communist countries.⁷¹

It was in the case of the Eastern enlargement that – for the first time in the history of European integration – conditionality was fully employed to bring about

⁶⁸ See Papadimitriou (2002).

⁶⁹ Scholars speak of ‘downloading’ of EU rules and regulations, pointing out how candidate countries are *de facto* unable to influence the process of Europeanization from within. They can choose whether they want to establish privileged relations with the EU, but cannot influence the terms and conditions of such a relation. See Bulmer, *et al.* (2003).

⁷⁰ Schimmelfennig, *et al.* (2003), p. 495.

⁷¹ Hughes, *et al.* (2004), p. 2.

institutional change and socio-economic development in applicant countries.⁷² It was in the case of the Eastern enlargement that ‘the EU established the most detailed and comprehensive accession conditions ever formulated.’⁷³

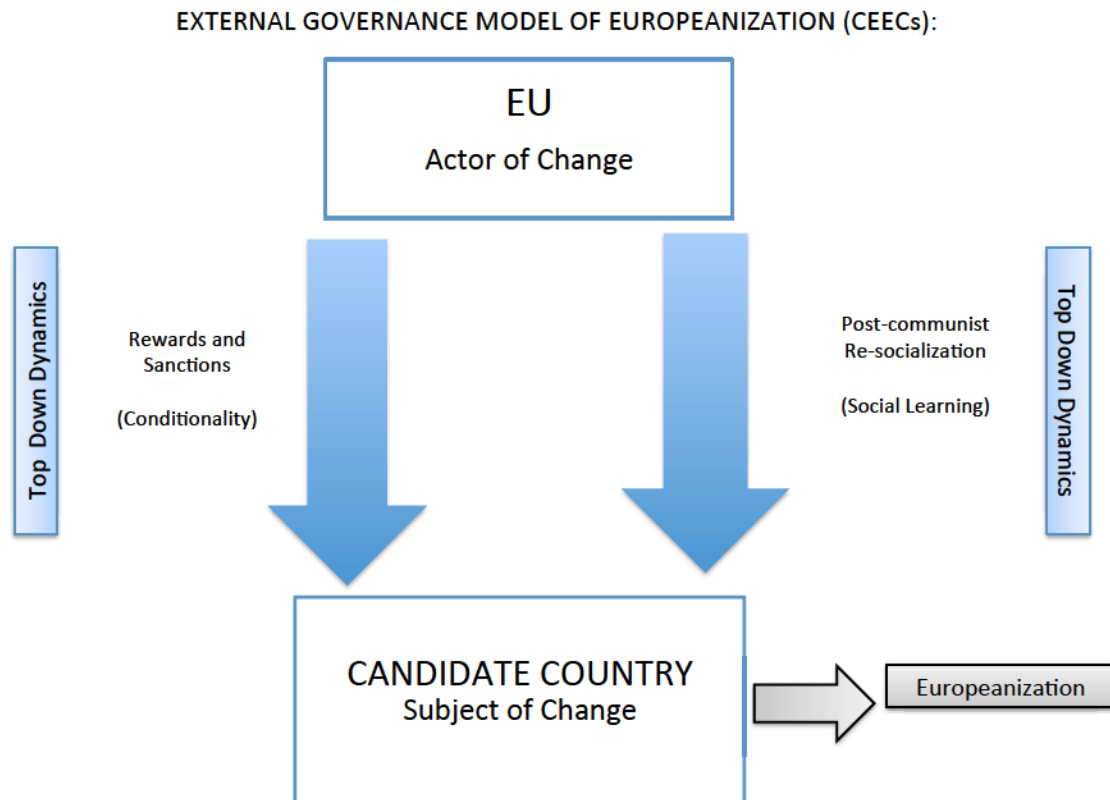
Through its mix of controls and inducements, conditionality was used to manipulate the cost-benefit calculations of target actors in the short term, creating positive and negative incentives. An equally powerful process of re-socialization of post-communist countries within the EU – the ‘social learning’ process, as it is commonly defined – tended to reshape post-communist countries’ views, priorities and strategic interests, locking in political and institutional change in the long run.⁷⁴

⁷² Grabbe (2006) identifies five main ‘mechanisms of Europeanization’ in the context of the Eastern enlargement: the provision of models, legislative and institutional templates; the provision of money, aid and technical assistance; the implementation of a program of benchmarking and monitoring of progress; the deployment of EU advisors and trainers to assist with institution building; and finally the careful management of accession, with the EU acting as the ‘gate-keeper.’

⁷³ Grabbe (2006), p. 250. On this issue, see also Smith (2003).

⁷⁴ See Checkel (2001); Kelley (2004). For case studies on the ‘social learning’ process, see Coppitiers *et al.* (2004); Tocci (2007); Diez and Stetter (2008).

Figure 1.2: Europeanization in the CEECs.



5. The limits of Europe's transformative power:

The domestic factor as a determinant of post-communist transition

The body of research on Europeanization that explains post-communist transition as a function of EU external governance has come under growing criticism in recent years. To begin with, critics have questioned the causal role of EU external governance in bringing about change on post-communist candidate countries.⁷⁵ To

⁷⁵ Haverland (2006).

what extent – critics of Europeanization have been asking – is institutional reform, political and economic modernization of post-communist candidate countries the outcome of EU negative and positive inducements? To what extent, conversely, is it the outcome of different dynamics – domestic or international – possibly totally unrelated to the role played by the EU?

It is a fact that the EU was never the sole external actor who took upon itself to stimulate institutional reform and favor political and economic modernization in transitioning post-communist countries. Other international actors played a crucial role, and can be therefore seen as important sources of change in the context of post-communist transition in Central and Eastern Europe. The U.S. – for instance – was consistently perceived by many in the CEECs as an indispensable security provider. As a consequence, its influence on transitioning countries cannot be underestimated. Similarly, NATO represented an engine for political and institutional change sometimes as powerful as the EU. The same was true in parts of the Western Balkans, where the U.S. has enjoyed a considerable influence as a consequence of the military leadership provided by Washington at the time of the wars of Yugoslav succession. As a consequence, it is often perceived as more credible and reliable than the EU itself.

By focusing solely on the impact of EU external governance – critics concluded – the theory of Europeanization runs the risk of disguising more than

uncovering the actual dynamics of political and institutional change in post-communist countries.⁷⁶

Yet the attempt to present EU external governance as the central source of economic, political and institutional change in post-communist countries was potentially misleading in a further, crucial respect – critics argued. By focusing first and foremost on the role of the EU, in fact, the theory of Europeanization showed a natural tendency to prejudging the impact of conditionality *vis-à-vis* other sources of domestic change.⁷⁷ Increasingly the emphasis on the role of EU external governance as the central source of domestic change in candidate countries was identified as an inherent limit of the literature on Europeanization. More bottom-up research was needed – critics pointed out – that focused on the strategies implemented by applicant countries to adapt and respond to the pressures coming from Brussels.⁷⁸

Two important theoretical strands were applied to the Europeanization theory, in the attempt to move beyond the relatively simple model based on EU external governance, and to bring the domestic element back to center stage.

A first theoretical strand is based on a rational actor approach. It argues that domestic actors are rational players who aim at maximizing control on their environment. As such, they seek to achieve their policy goals in a given institutional framework. Europeanization – in this perspective – has both a restrictive and a facilitating function.⁷⁹ On the one hand, EU policy demands may help overcome the

⁷⁶ In this perspective, EU external governance becomes ‘a cause in search of an effect,’ as noted by Goetz (2000).

⁷⁷ See Radaelli and Pasquier (2008); Bulmer and Burch (2005).

⁷⁸ Radaelli (2003), p. 51.

⁷⁹ Heritier, *et al.* (2001); Knill and Lehmkuhl (2002); Börzel and Risse (2003).

resistance of potential domestic veto players, thus facilitating change in domestic policies. On the other hand, EU pressures to reform may be perceived as too costly by domestic elites. As a consequence, they may develop and implement strategies of adaptation in the attempt to extract benefits from closer relations with Brussels, while resisting reforms that would undermine their power basis.⁸⁰

EU rules and regulations may therefore be adopted and implemented selectively. It is not uncommon for domestic actors to pay lip service to Brussels' reform agenda, while actually refraining from adopting and implementing norms that would run against their vested interests – empirical research shows.⁸¹ Local elites often fake compliance with EU conditions. They choose from the menu of their options, which EU conditions they want to fulfill, and which they want to disregard.⁸²

A second important theoretical strand is based on historical institutionalism. It postulates the existence of a sort of inertia of domestic policies and institutions. Existing policies and institutions – the theory explains – tend to be considerably stable over time and can be changed only incrementally.⁸³ The power of the EU to prompt domestic change is thus marginal at best. Domestic actors are likely to accommodate, or absorb EU demands into the domestic system, while trying to avoid comprehensive reform. Only very infrequently will candidate countries radically substitute their traditional policies and institutions, or engage in comprehensive reform. National institutional and cultural differences, therefore,

⁸⁰ See Jacoby (2004).

⁸¹ See for instance Elbasani (2008); Noutcheva (2009).

⁸² Jacoby (2004).

⁸³ See Thelen (1999); see also Mahoney (2000).

are not likely to disappear.⁸⁴ The process of Europeanization will ultimately lead to the juxtaposition – or ‘layering’⁸⁵ – of old and new policies and institutions.⁸⁶

The introduction of rational actor theory and historical institutionalism in the study of Europeanization had important implications. By shifting back the focus of analysis from EU external governance to the domestic factor, the scholarly literature was able to provide a theoretical framework to explain the varieties of Europeanization that were empirically observable in different countries and in different areas of change. Europeanization was thus increasingly seen as a hybrid process – a combination born out of the interplay between external pressures and domestic strategies of adaptation, between Brussels’ push to reform and domestic opposition to change.⁸⁷

Change in post-communist candidate countries does not necessarily follow a top-down dynamics, as logically postulated by the external incentive model – this more complex model of Europeanization suggests. The one-way flow of influence from Brussels to candidate countries – from center to periphery – does not necessarily lead to the transformation of post-communist countries into possible candidates for membership.

This does not necessarily imply that the role played by ‘asymmetric interdependence’ between the EU and candidate countries is a negligible one.

⁸⁴ Börzel and Risse (2009), p. 1.

⁸⁵ Thelen (1999).

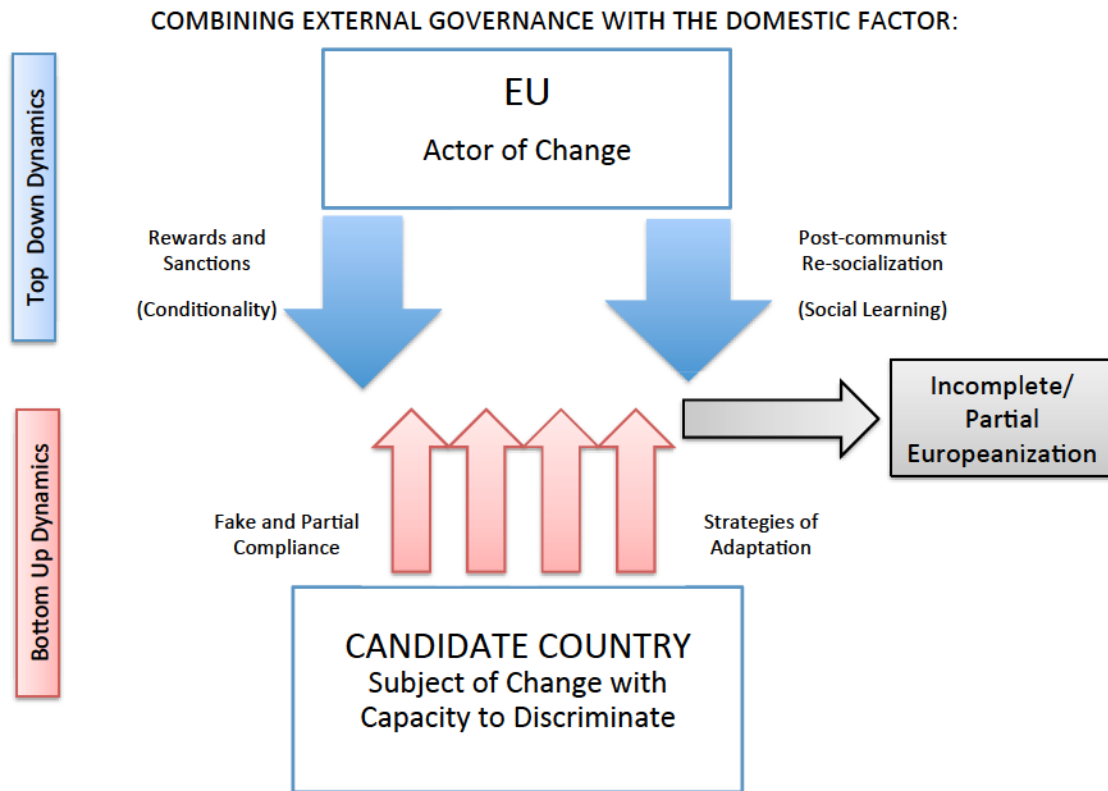
⁸⁶ In this sense the literature on Europeanization comes closer to the literature on ‘varieties of capitalism.’ See Hall and Soskice (2001).

⁸⁷ Olsen (2003).

Indeed, the power of attraction exerted by the EU towards candidate countries remains central to explain post-communist transition. Brussels' ability to dispense economic assistance, technical advice and political legitimation to domestic actors unquestionably represents a powerful engine for change. Moreover, its role as the gatekeeper to the coveted European club grants Brussels unprecedented influence on post-communist countries' domestic affairs. Nonetheless, only a more complex model of Europeanization combining EU external governance and domestic strategies of adaptation – thus top-down and bottom-up approaches – can provide a satisfactory explanation of what is empirically observable in the context of the Eastern enlargement.⁸⁸ Only the combination of the two approaches, in particular, can possibly account for the wide range of outcomes of Europeanization in different post-communist countries.

⁸⁸ Lodge (2006).

Figure 1.3: Europeanization combining external governance and domestic factor.



Four main factors can be singled out that explain different outcomes of Europeanization as a function of variations in the way the EU external governance works. Referring back to our previous discussion, therefore, they can be ascribed to the external incentive model of Europeanization.

1. *The outcome of Europeanization depends on the determinacy of EU conditions.*

The clearer and more specific EU conditions are, the more effective they are in influencing political elites and public opinion in candidate countries.

EU economic and political conditions are sometimes defined in such vague and broad terms that target actors in applicant countries have a hard time figuring out precisely which reforms are required and which measures will actually prove compliance with EU requests.⁸⁹

EU authorities have acknowledged and addressed the problem of indeterminacy. The continuous stream of communication between Brussels and candidate countries – EU Commission’s Opinions, EU Commission’s Annual Country Reports – is aimed at specifying the measures expected from candidate countries and providing feedback in a timely manner.⁹⁰

2. *The outcome of Europeanization depends on the legitimacy of EU conditions.*

The more EU conditions are perceived as legitimate by elites and the generality of the population in candidate countries, the more effective they are in influencing the transition process.

Historically, the legitimacy of EU conditions has been an issue. Brussels has often set political conditions that are not part of the *acquis communautaire* and that are not even shared by some of its member states. This has stirred criticism about the legitimacy of its requests.⁹¹ As a consequence, displeased candidate countries have often accused the EU of applying ‘double standards.’

⁸⁹ See for instance Mineshima (2002).

⁹⁰ The publication of progress reports – it has been noted – creates ‘an atmosphere of permanent follow-up and contributes considerably to the enhancement in the candidate countries of an awareness that the necessary measures must be taken [...] to move forward in the accession negotiations.’ See Maresceau (2003), p. 32.

⁹¹ Grabbe (1999).

3. *The outcome of Europeanization depends on the size and speed of rewards the EU offers to candidate countries.*

The higher and more immediate the final prize, the more effective the EU is in influencing the transition process. Prospects of full membership – for instance – provide candidate countries with a stronger motivation to reform than economic aid or technical assistance. Similarly, credible prospects of membership in the foreseeable future are more effective than uncertain prospects of integration in a distant future, when it comes to facilitating reform and modernization.

4. *The outcome of Europeanization depends on the credibility of EU threats and promises.*

The more credible the EU is when offering candidate countries inducements, or threatening sanctions, the more effective the mechanism of conditionality is in influencing the transition process. If candidate countries do not perceive membership as a credible option – for instance – their motivation to implement costly and potentially painful domestic reform tends to fatally decrease.

Two more factors can be listed here, that explain variability as a function of variations in the candidate country's willingness to conform to EU pressures. They therefore refer to the realm of the domestic strategies of adaptation.

5. *The outcome of Europeanization depends on the degree of identification of domestic elites with the European (and Euro-Atlantic) community.*

The process of re-socialization of post-communist countries is more successful in those countries that feel more strongly that they belong in the European family of states. The higher the identification with what are perceived as European norms and values, the stronger the motivation to comply with EU conditions in the attempt to 'return to Europe.'⁹²

6. *The outcome of Europeanization depends on the impact of adoption costs associated with the implementation of EU rules and regulations.*

The likelihood of rules being adopted and of reform being implemented in compliance with EU conditions increases as the political cost incurred by domestic elites decreases. Domestic elites respond to positive and negative inducements, which are able to offset in the short-term the political costs they incur by implementing EU-sponsored reform. In the absence of such inducements, domestic actors may implement strategies of fake and partial compliance with EU conditions, trying to reap the benefits deriving from close relations with the EU, while avoiding paying a price for it.

The combination of the six factors above – some referring to EU external governance, others referring to domestic strategies of adaptation – provides the

⁹² On this issue, see Subotic (2011).

theoretical framework to analyze the outcome of post-communist transition in different cases. The interplay between EU pressures to modernize and domestic motivations to do so can be disaggregated into its components, shedding light on the actual dynamics of domestic change. So, for example, the history of transition in the Czech Republic can be told by focusing preeminently on domestic dynamics of policy emulation, with elites ready to pay a price in order to swiftly re-unite with wider Europe.⁹³ Social policy reform in Poland and Hungary can be analyzed by pointing to the effectiveness of EU incentives as the most powerful factor of change.⁹⁴ Incomplete transition in Romania can be explained by focusing on the opposition of ruling elites, which were able to limit or skew the purpose of reform.⁹⁵

6. Europe's transformative power in post-conflict environments:

Europeanization in Bosnia and Kosovo

The model of Europeanization integrating EU external governance with domestic strategies of adaptation explicitly highlights the limits of Europe's transformative power. Logically speaking – one could ask – is it even fair to talk about transformative power, when the outcome of Europeanization is in fact at least co-determined by local actors' capacity and willingness to comply with Brussels' rules and regulations? Would it not be more useful to reason in terms of Europe's

⁹³ See Jacoby (2004). On the same line are also Appel (2005) and Blazyka (2003).

⁹⁴ Sissenich (2005).

⁹⁵ Gallagher (2005).

variable degrees of influence on applicant countries, instead of remaining committed to the idea of transformative power?

Such questions become all the more relevant since the research on Europeanization has been shifting to increasingly problematic cases of transition and – in some cases – to complex post-war environments. In Bosnia and Kosovo – the following chapters will argue – Europe’s capacity to give impulse and direction to the process of democratic transition and consolidation looks at times so debatable that the very notion of Europeanization becomes a bit of a logical stretch. Europe’s transformative power increasingly looks like an intellectual straitjacket rather than a useful theoretical framework. It often seems to disguise, rather than uncover the nature of the developments one can observe in the real world.

The implicit assumption that Europe possesses a transformative power – albeit subject to limits – has a direct impact on the way we measure success. When dealing with complex post-conflict environments, in particular, should we be content with our power to stabilize potentially explosive situations? Or should we aim for a deeper impact on domestic dynamics, trying to transform – or Europeanize – the country at hand? Should we measure progress in terms of relative stability of the system, of consolidation of local institutions, of creation of a more vibrant civil society, of relative socio-economic development? In a word, shall we reason in terms of a traditional state building operation? Or – conversely – should we focus on reforming the system, creating institutions more in tune with Brussels’ requests,

meeting EU standards, closing chapters of the *acquis communautaire*? In short, should EU membership become the yardstick against which we measure success?

As it is always the case, the concepts we choose and employ in our analysis fundamentally frame our thoughts. They critically shape our reasoning and largely pre-determine our conclusions. In this perspective, to postulate that the EU possesses an inherent – if variable – transformative power also in post-conflict theaters can be dangerous. Expectations tend to rise beyond what is realistic. Frustration and disillusion usually follow suit.

Today's Bosnia and Kosovo are cases in point. Expectations to progress towards EU membership have been frustrated in both countries by years of apparent paralysis.⁹⁶ Local policy-makers have been dealing with the EU more and more opportunistically, trying to reap the benefits of the relationship with Brussels without paying the costs. Local public opinions have grown increasingly disillusioned with their respective countries' prospects, and weary of EU's indecisive yet intrusive presence.⁹⁷ EU officials on the ground remain publicly committed to enlargement, yet in private they openly acknowledge their diminishing capacity to influence the developments on the ground. The rhetoric of Europeanization is increasingly difficult to accept for all interested parties. The idea of transformative power is usually met with a healthy dose of skepticism. Virtually

⁹⁶ Grabbe, Knaus and Korski (2010); Bechev (2012).

⁹⁷ Gallup Balkan Monitor (2010); Manchin (2011). The electoral success of Kosovo's nationalistic movement *Vetëvendosje!*, opposing continuing international (and, specifically, EU) presence in the country can be read in this perspective.

nobody realistically expects the situation to improve considerably in the medium to long term.

Yet Europe's transformative power remains commonplace in EU parlance. Former Enlargement Commissioner Stefan Füle – just to quote one of Europe's top officials working on these matters – used to routinely refer to the need of 'finishing the transformation of the European continent' by keeping the enlargement process open. After all – he nonchalantly noted – enlargement is 'the most important transformation instrument the EU has.'⁹⁸ Celebrating Croatia's accession on July 1, 2013, Füle pointed out how the country's successful transition 'is yet another proof of the transformative power of the accession process.'⁹⁹ In March 2014 – again – he advocated the integration of Moldova, Georgia and Ukraine into the EU, pointing out that 'if we are serious about transforming the countries in Eastern Europe, we have to use the most important tool for transformation: enlargement.'¹⁰⁰

The scholarly world – by the same token – seems not ready to abandon the notion of transformative power. One of the most active and influential study groups working on enlargement – based at the Free University of Berlin – is called 'The Transformative Power of Europe.'¹⁰¹ Heather Grabbe – one of the first authors to explicitly introduce the notion of Europe's transformative power in the literature on

⁹⁸ See Judy Dempsey, "The Transformative Power of EU Enlargement: An Interview with Stefan Füle" (Brussels: Carnegie Europe, November 28, 2013).

<http://carnegieeurope.eu/strategieurope/?fa=53742> [accessed 09.01.2014]

⁹⁹ Stefan Füle: "EU 28: Croatia has joined the European Union" (July 1, 2013)

http://ec.europa.eu/commission_2010-2014/fule/headlines/news/2013/07/20130701_en.htm [accessed 09.01.2014].

¹⁰⁰ Quoted in "EU-Erweiterungskommissar für EU-Aufnahme der Ukraine," *Die Welt Online* (March 18, 2014).

¹⁰¹ <http://www.polsoz.fu-berlin.de/en/v/transformeurope/> [accessed 09.01.2014]

post-communist transition – still writes about it today.¹⁰² Leading experts on the Western Balkans still like to look at recent developments in the region through the lenses of Europe's unparalleled transformative impact.¹⁰³ Empirical studies on transition in Europe's surroundings often end up subsuming the category of transformation in their analysis.¹⁰⁴

In the course of the next few chapters, this study will show how that category seems hardly useful to make sense of transition and consolidation in post-conflict environments such as Bosnia and Kosovo, and why – consequently – it should be employed with a healthy grain of salt.

¹⁰² Grabbe (2014).

¹⁰³ Nida Gelazis, for instance, explains that 'the distinction between the transformative impact of EU and NATO [in the Western Balkans] is made clear by the difference between the two countries that became NATO members in 2009, Croatia and Albania. Both countries met the criteria for NATO accession, and they have active troops participating in the International Security Assistance Force in Afghanistan. But where the Croatian government continues to adopt political and economic reforms that were necessary for EU accession, Albania's progress has been stalled by a political impasse, allegations of government corruption and election irregularities. The transformation in the former meant that Croatia was invited to join the EU [...], while the Council postponed offering Albania candidate status.' In "Hearing on the Western Balkans and the 2012 NATO Summit," Commission on Security and Cooperation in Europe (U.S. Helsinki Commission), Washington, DC (January 18, 2012).

¹⁰⁴ See for instance Elbasani (2009); Elbasani (2012); Börzel (2011); Noutcheva and Aydin-Düzgit (2012).

Chapter 2

Transforming Bosnia:

A case study in member state building

Europe will either die or be reborn in Sarajevo.¹

My [...] job has been to try to use my power to create institutions of a modern state that would enter the European Union, and there was very little time. The door was closing, and I wanted to get Bosnia through before it shut.²

For two decades European policy-makers have been struggling in the attempt to foster economic development, democratic consolidation and institutional reform in post-war Bosnia. For two decades Brussels has been investing an unprecedented amount of physical and moral capital in the country. It has reformed its internal mechanisms, creating new institutions to better cope with the challenges

¹ Alexander Langer, *Plea to the European Council in Cannes on behalf of Bosnia Herzegovina* (June 25, 1995).

² OHR/EUSR Paddy Ashdown, quoted in "Farewell, Sarajevo," *The Guardian* (November 1, 2005).

posed by Bosnia. It has deployed in the country an unprecedented contingent of military and civil personnel in the attempt to contribute to the stabilization and modernization of the country. At times, it has played a direct role in Bosnia's politics, in the attempt to push through its agenda of institutional and political reform. At times, it has tried to lure Bosnia into reforming by focusing on the inducements of prospective EU membership. For two decades – briefly said – the EU has tried to transform post-war Bosnia in a viable, self-sustaining state that could be effectively integrated in European institutions. Success, however, has remained largely elusive.

On the one hand, the attempt to directly steer Bosnia's domestic agenda towards reform and modernization led to the emergence of a 'culture of dependency' on the international community that has prevented – rather than favoring – the consolidation of local institutions. On the other hand, Europe's power of attraction – mediated by the positive and negative inducements of conditionality – failed to secure progress in a complex post-conflict environment such as Bosnia. Soon Bosnia found itself mired in a long transition with no real consolidation – a limbo in which progress was increasingly hard to notice.

This chapter tells the story of Europe's problematic engagement in Bosnia. Confronted with the task of assisting a post-conflict country in its complex process of transition and democratic consolidation – this chapter recounts – the EU put its transformative power to an unprecedented test. The attempt at pursuing a member state building agenda – thus reconciling state building and enlargement – proved

particularly challenging. Finally, frustration and disillusionment ensued, both in Brussels and in Sarajevo.

The outcome of Europe's engagement in Bosnia and the analysis of the current situation will be the subject of the next chapter. In order to understand today's events, however, it is worth starting from the beginning, namely from the times of the wars of Yugoslav succession. It was then that the story of the EU in Bosnia started – a story of hopes and disillusionments, engagement and frustration. A story that has transformed Europe at least as much as it has transformed Bosnia.

1. Waiting for 'the hour of Europe:'

The EU in search of a strategic role in Bosnia

'This is the hour of Europe' – Luxembourg's Foreign Minister Jacques Poos famously announced as early as 1991, pointing to the then EC's historic responsibility in managing the crisis of the FRY.³ Nonetheless, it took ten years and a series of wars for the EC – since 1992, the EU – to develop a coherent, cohesive and, therefore, effective strategy for former Yugoslavia and the Western Balkans as a whole.⁴

³ Quoted in Alan Riding: "Conflict in Yugoslavia: Europeans Send High-level Team," *The New York Times* (June 29, 1991).

⁴ The international community – with the EU at the core – has a tendency to continuously re-define the region analyzed in this study for the purposes of its own strategies and policies. From 'Balkans' to 'South East Europe,' and from 'South East Europe' to 'Western Balkans,' the labels employed in international parlance do not necessarily refer to the regional context, but seem to identify the 'problematic leftovers' of EU enlargement. See Anastasakis (2008).

In the early 1990s, the international community perceived the rapidly deteriorating situation in Yugoslavia as a relatively minor problem, one that did not command immediate action and resolute diplomatic involvement.⁵ In the early post-Cold War era, the U.S. saw the Western Balkans as a secondary, peripheral region, which presented no direct threat to American security interests. Stability in the Soviet space and – after the 1991 First Gulf War – in the Middle East were President George H.W. Bush’s security priorities. Washington had no dog in the post-Yugoslav fight, Secretary of State James A. Baker famously announced.⁶

Similarly – and despite the obvious geographical proximity – Europe perceived the outbreak of violence in the former Yugoslavia as not endangering its core security interests. Integrating the newly unified Germany into a stronger European partnership – thus preventing the resurgence of the old German problem in the heart of the continent – was the main challenge of the day.⁷ Facilitating a smooth transition of Central and Eastern Europe from the vanquished Soviet sphere to Euro-Atlantic integration was perceived as an equally historic challenge. Europe’s intellectual and political resources were mobilized towards the transformation of the EC into the more political EU – transformation that was attained through the signing of the Maastricht Treaty on February 7, 1992.

The lack of focus and resources, and the incapacity to fully foresee the implications of the deteriorating security situation in the Western Balkans were

⁵ See Woodward (2000).

⁶ See Woodward (1995), pp. 161-62. See also Gompert (1996); Holbrooke (1998).

⁷ Calleo (1978); see also Katzenstein (1997).

epitomized by the essentially reactive nature of the international community's response to the worsening crisis. Europe's attempts, in particular, focused on containing the armed conflict and preventing instability from spreading to neighboring areas. The EC/EU, however, failed to present regional actors with a credible strategy for peaceful co-existence and socio-economic development. For the better part of the 1990s no comprehensive European policy towards the Western Balkans emerged.⁸ European diplomacy tended to look at former Yugoslavia with a mix of indifference and cynicism. When, in the spring of 1991, Germany single-handedly declared its intention to back Slovenia and Croatia's independence, for instance, the whole EC – busy at the time with Maastricht negotiations – followed suit.⁹ What counted in that decision – recalls Italy's then Foreign Minister Gianni De Michelis – was not the situation on the ground *per se*, but the necessity for Europe to reaffirm its unity in foreign policy in a critical moment of its historic development.¹⁰

Once war broke out in the region, the EC reacted through a series of punitive initiatives. Trade preferences – which had been granted to Yugoslavia in 1974 – were withdrawn. A trade and cooperation agreement – signed in 1980 – was suspended. A tight regime of diplomatic, economic and financial sanctions was implemented.¹¹

⁸ Woodward (2000), p. 154-56.

⁹ See Crawford (1996). See also Caplan (2005).

¹⁰ See De Michelis (2003).

¹¹ See Chenoy (1996); Zucconi (2001).

With the sole, relevant exception of Slovenia – which was soon started off on its path towards full membership¹² – Brussels did not seem eager to engage the countries emerging from the collapse of Yugoslavia in any form of structured relationship. Partly this was due to the fact that the EC at that time was dealing with different strategic priorities. Partly – and more interestingly – it was due to the fact that the Yugoslav successor states were usually seen as having a weaker European vocation than the CEECs.¹³ It was commonly argued that economic backwardness, rampant nationalism, inter-ethnic strife and political violence made this part of the continent an unlikely candidate for integration into the Union. To a large extent, such views on the Western Balkans rested on traditional stereotypes and theories on long-standing socio-political, economic, cultural and even ‘civilizational’ differences between this region and the rest of the continent. The Western Balkans was perceived as somehow different from the rest of Europe.¹⁴ The fact that the region plunged into a long, convulsive process of social and political disintegration after the end of the Cold War tended to confirm observers in their stereotypical views.

No prospects of European integration could be realistically foreseen for this region – most officials and policy-makers in Brussels pointed out. The process of disintegration that was taking place in the former Yugoslavia was hardly reconcilable with the process of integration that was taking place at continental

¹² Negotiations on the Europe Agreement with Slovenia started in March 1995. The Agreement was signed on June 10, 1996. It started negotiations for EU membership in March 1998 and became a member on May 1, 2004.

¹³ Chivvis (2010), p. 51.

¹⁴ Todorova (1997); Hatzopoulos (2003). See also Goldsworthy (2002).

level – with the transition from EC to EU and, later, with the enlargement to the CEECs. The Western Balkans ended up being clustered with countries as diverse as Cyprus, Malta and Turkey under the heading ‘Mediterranean and Middle East.’ No definite contractual relations were established at this stage between them and Brussels, nor was a credible road map laid out, leading to closer cooperation with the EU.¹⁵

The inherent limits of the EC/EU as a foreign policy actor became painfully evident with the outbreak of the conflict in Bosnia. The war in Bosnia brought into every Western house the dramatic images of 100,000 deaths, millions of displaced and a level of violence that many thought impossible in Europe at the turn of the millennium. A massive flow of refugees soon turned the crisis into a major domestic problem in many Western European countries, Germany first of all.

Europe’s inability to find decision-making mechanisms, military capabilities and – ultimately – the political will to cope with Bosnia’s crisis frustrated its ambitions and aspirations, finally drawing the U.S. into the picture.¹⁶ It was the U.S. – not Europe – who took the diplomatic and military lead in the struggle to stop the war. In March 1994 Washington successfully brokered an agreement between Croats and Bosniaks, which was instrumental in changing the military balance of power on the ground. In July 1995 – after the massacre of thousands Bosnian Muslims in Srebrenica by the hands of Bosnian Serb militias – the U.S. made the critical decision of resorting to both assertive diplomacy and military intervention

¹⁵ See Delevic (2007), pp. 14-15.

¹⁶ See Hoffmann (1996).

in order to stop the fighting on the ground. NATO's *Operation Deliberate Force* was the direct result of Washington's new strategy to force the warring parties to stop combat operations. Europe followed Washington's leadership. The predominant role played by the U.S. in the solution of the crisis was highlighted by the fact that the parties to the conflict were summoned to discuss peace in the obscure Wright-Patterson Air Force Base, in the hearth of the American Midwest near Dayton, Ohio.¹⁷

The history of Europe's engagement with the Western Balkans – and with Bosnia in particular – started thus with a burning humiliation. Faced with the violent dissolution of Yugoslavia, the EU was forced to come to terms with its limits. Despite all its aspirations, it proved unable to stabilize its own backyard. In the end, it had to rely on the U.S. to keep control on a situation that posed a direct threat to the stability and security of the whole European continent.

The effects of the war in Bosnia on the EU were deep and widespread. We can subdivide them into three different realms: military effects, institutional effects and political effects.

In military terms, the war in Bosnia meant that European allies were asked to play an increasingly significant role in the framework of NATO's *Stabilization Force* (SFOR) that was tasked with providing security in the country, apprehending war criminals, targeting paramilitary gangs and facilitating the return of displaced

¹⁷ The General Framework Agreement for Peace in Bosnia and Herzegovina – commonly referred to as Dayton Agreement – was actually initialed on November 21, 1995 in Dayton, Ohio, and signed the following month in Paris. For historical accounts of the negotiations, see Dobbins *et al.* (2003); Daalder (2000).

people to their homes. The U.S. – the main broker of the Dayton Agreement and the central guarantor of the political and military equilibriums on the ground – looked eager to find a quick exit strategy. The Clinton administration limited the deployment of U.S. troops to a year, confronted as it was with rising domestic pressure against any open-ended commitment.¹⁸ Once instability spread to Kosovo, in 1999, U.S. attention was diverted from Bosnia, while political pressure towards disengagement mounted. After September 11, 2001, finally, U.S. strategic priorities changed completely, with the Western Balkans virtually disappearing from the foreign policy agenda of the George W. Bush administration.¹⁹ In 2004, as a consequence, the EU was directly brought into the picture, with mission *EUFOR Althea* replacing NATO's presence in Bosnia and taking full responsibility for military security in the country.²⁰

In institutional terms, Europe's growing role in Bosnia called for enhanced coordination in foreign policy and strengthened cooperation in security issues. This took the form of the new European Security and Defense Policy (ESDP). In 2003, the European Union Police Mission (EUPM) was launched in Bosnia as the first mission ever to take place in the framework of the ESDP.²¹

In political terms, Europe's growing role in Bosnia meant that the EU had to redefine its strategy in the attempt to re-include the whole Western Balkans in the

¹⁸ Rose (1998).

¹⁹ President Bush's Security Adviser Condoleezza Rice famously pointed out during the 2000 electoral campaign that the U.S. did not 'need to have the 82nd Airborne escorting kids to kindergarten.' Quoted in Michael R. Gordon, 'The 2000 Campaign: The military: Bush would stop U.S. peacekeeping in Balkan fights,' *The New York Times* (October 21, 2000), p. 1. See also William Drodziak, 'Bush plan worries Europeans: Removing U.S. troops from Balkans is seen as divisive,' *The Washington Post* (October 24, 2000), p. 7.

²⁰ European Council, *Council Joint Action*, EC(04)570/CFSP (July 12, 2004). See Leakey (2006).

²¹ European Council, *Council Joint Action*, EC(02)210/CFSP (March 11, 2002).

European mainstream. It soon became apparent, in fact, that the new Dayton constitutional framework for Bosnia was dependent on the cooperation of other major regional actors, Serbia and Croatia above all.²² Gradually, therefore, the long-term stabilization of Bosnia and the formulation of a more comprehensive approach to the problems of the Western Balkans as a whole emerged as two sides of the same coin.²³ Step by step Brussels recognized the establishment of a more structured relationship with the various Yugoslav successor countries as a valuable tool to bring about political change and socio-economic development in the region.²⁴ Gradually the main goal of EU intervention in the Western Balkans – and in Bosnia in particular – shifted from the management of the consequences of the wars of Yugoslav succession to the integration of the region into European institutions. As then Commissioner for Enlargement Olli Rehn pointed out, the EU in Bosnia started following a course of ‘conditional support for reforms in the direction of Europeanization.’²⁵ The EU exit strategy for Bosnia became its entry into the Union.

2. The Regional Approach to the Western Balkans:

Europeanization without enlargement

The first elements of this new European strategy towards the countries of former Yugoslavia were presented shortly after the Rome Conference of February

²² Bechev (2006), p. 32.

²³ Belloni (2008).

²⁴ Belloni (2009).

²⁵ Olli Rehn, “Values Define Europe, not Borders,” *Financial Times* (January 4, 2005).

18, 1996. A new European Regional Approach provided the general institutional framework for bilateral relations between the EU and Western Balkan countries.²⁶ In this context, the stabilization and consolidation of post-war Bosnia lied at the core of Brussels' struggle to formulate a more coherent strategy for the whole region.

Within the framework of the new Regional Approach, the EU offered financial assistance, unilateral trade preferences and bilateral cooperation agreements. Western Balkan countries, in return, were asked to commit to re-establishing economic cooperation with one another. In particular, the EU insisted on the implementation of cross-border projects in the areas covered by the agreements. Brussels hoped that the prospect of a cooperation agreement with the EU – opening the EU internal market to impoverished Western Balkan countries – would provide local politicians with sufficient motivation to pass serious economic reform and committedly pursue regional cooperation.²⁷

A clear commitment to free market and good neighborly relations, however, were not the only conditions the countries were asked to meet in order to benefit from the new instruments offered under the European Regional Approach.²⁸ The European Council made it adamantly clear that political conditionality, too, represented a central pillar of the Regional Approach. The establishment of contractual relations with the Western Balkans – the Council warned – would

²⁶ The program was intended for Bosnia, Croatia, Macedonia (FYROM), the FRY (then Serbia and Montenegro) and Albania. Slovenia was well advanced towards the signing of its Europe Agreement (see note 12). Europe Agreements with Romania and Bulgaria had been signed on March 8, 1993.

²⁷ See Kovac (1996), pp. 1-5. See also Altmann (1998).

²⁸ Pippan (2004).

‘depend on the willingness of the countries concerned to work towards consolidating peace and to respect human rights, the rights of minorities and democratic principles.’²⁹ Non-compliance by any of the parties – the Commission echoed – would prompt Europe’s reaction, forcing Brussels to take ‘specific measures’ in response.³⁰ Conditionality, therefore, represented the decisive cornerstone of Europe’s policy in the Western Balkans. Gradual improvement of EU relations with the countries in the region was explicitly linked from the outset to the fulfillment of a wide range of political and economic conditions by the latter.

The new strategy, including its focus on political conditionality, was quickly put into legal practice. The so-called ‘OBNOVA’ regulation – adopted by the European Council in July 1996 – directly tackled the problem of political, economic and technical assistance to Western Balkan countries. The new regulation expressly mentioned democracy, rule of law, respect of human rights and fundamental freedoms as necessary pre-conditions for the application of the entire program.³¹ In April 1997 the Council adopted a detailed set of guidelines defining and clarifying what specific conditions Western Balkan countries were expected to fulfill.³² For the first time in the history of EU integration, the new guidelines distinguished between conditions applying to the generality of the countries in the region, and

²⁹ *Council Conclusions and Declaration on Former Yugoslavia* (February 26, 1996), Bull. EU ½-1996, point 1.4.108.

³⁰ European Commission, *Common Principles for the Future Contractual Relations with Certain Countries in South-Eastern Europe*, COM(96) 476 (October 2, 1996).

³¹ Council Regulation No. 1628/96, August 14, 1996, Part I, Art. 2. The regulation was replaced by the new CARDS instrument in December 2000.

³² See *Conclusions on the Principle of Conditionality Governing the Development of the European Union’s Relations with Certain Countries of South-East Europe*, Bull. EU 4-1997, point 2.2.1.

those applying to individual countries only. Moreover, they provided for a graduated approach subordinating the granting of trade preferences, financial assistance and contractual relations to the fulfillment of different kinds of political conditions. By doing this, Brussels aimed at effectively differentiating between countries in terms of their political and economic development. Furthermore, it aimed at preserving an acceptable degree of regional coherence – an indispensable element in Brussels’ approach to the Western Balkans.

On the one hand, therefore, the Council made clear that Europe’s assistance continued to be available for the whole region, and that Brussels’ insistence on political conditionality was meant to favor – not to obstruct – the meeting of the relevant criteria by Western Balkan countries. On the other hand, the refined approach to conditionality differentiated between virtuous and inept countries, applying the self-explanatory principle that the conditions established by Brussels became more stringent, the closer a country intended to move towards the EU.

The Council Conclusions of April 29, 1997 defined Brussels’ graduated application of political conditionality. At the lowest level lied Europe’s offer to grant Western Balkan countries *autonomous trade preferences*. To gain access to this basic level of cooperation with the EU, each country needed to demonstrate a general respect for fundamental principles of democracy and human rights.

In order to benefit from additional *financial and technical support*, Western Balkan countries had to prove their ‘credible commitment to democratic reforms and progress in compliance with the generally recognized standards of human and

minority rights, real opportunities for displaced persons and refugees to return to their place of origin' and 'compliance with obligations under the Peace Agreements.'³³ Cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague was particularly relevant in this context.³⁴

Contractual relations, finally, were subject to a graduated approach.

Unsurprisingly, the level of compliance demanded by Brussels was relatively low at the start of negotiations towards the signing of an agreement, and was gradually raised towards the conclusion of the same agreement. In addition to the fulfillment of all the conditions required for the granting of autonomous trade preferences and financial assistance, moreover, countries who wished to engage in treaty negotiations with the EU were presented with a whole new set of more stringent political conditions. Brussels' – in particular – focused on free and fair elections, the absence of discriminatory treatment of minorities by public authorities and the absence of harassment of independent media as the necessary preconditions for Western Balkan countries to be recognized as legitimate formal counterparts in treaty negotiations.³⁵

As it had been the case in the bilateral relations between Brussels and the CEECs in the early 1990s, conditionality combined both carrots and sticks also in the case of the Western Balkans. Increasing compliance with Europe's conditions was rewarded with stronger bilateral cooperation, culminating in the establishment of contractual relations with the Union. In the case of serious and repeated non-

³³ *Conclusions on the Principle of Conditionality*, section on 'PHARE: Implementation of the program'.

³⁴ *Conclusions on the Principle of Conditionality*, section on 'PHARE: Implementation of the program'.

³⁵ *Conclusions on the Principle of Conditionality*, section on 'Contractual relations'.

compliance, however, trade preferences could be withdrawn, financial assistance could be suspended and – where needed – an agreement could be rescinded.

The EU, in sum, tried to replicate in the Western Balkans – and in Bosnia in particular – the strategy based on soft power and conditionality that had been successfully implemented towards the CEECs. The transformative power of EU conditionality – that had been identified as a powerful force driving political change and prompting democratic consolidation in the CEECs – was expected to critically impact the situation in Bosnia and throughout the Western Balkans, where conditions and circumstances were admittedly very different.

The application of the principle of conditionality *vis-à-vis* the Western Balkans, however, also revealed some distinctive features. First, the range and scope of political and economic conditions established by the Council was unprecedentedly broad. Second – while some conditions applied to the generality of Western Balkan countries – some were country-specific. Third, a graduated approach to compliance was introduced for the first time.³⁶ The single most

³⁶ The European Council identified a number of key elements of conditionality: *Democratic principles*: representative government and accountable executive; government and public authorities to act in a manner consistent with the constitution and the law; separation of powers (government, administration, judiciary); free and fair elections at reasonable intervals by secret ballot. *Human rights and the rule of law*: freedom of expression, including independent media; right of assembly and demonstration; right of association; right to privacy, family, home and correspondence; right to property; effective means to redress against administrative decisions; access to courts and right to fair trial; equality before the law and equal protection by the law; freedom from inhuman or degrading treatment or arbitrary arrest. *Respect for and protection of minorities*: right to establish and maintain their own educational, cultural and religious institutions, organizations or associations; adequate opportunities for minorities to use their own language before courts and public authorities; adequate protection of refugees and displaced persons returning to areas where they represent an ethnic minority. *Market economy reform*: macroeconomic institutions and policies necessary to ensure a stable economic environment; comprehensive liberalization of prices, trade and current payments; setting-up of a transparent and stable legal and regulatory framework; de-monopolization

important difference in the application of conditionality with respect to the case of the CEECs, however, was the lack of a clear perspective of full integration of the Western Balkans into European institutions. Brussels' offer of conditional establishment of contractual relations with the EU, in fact, was aimed in this phase at fostering stability and security in the region, but stopped short of full membership.

3. Europeanization and post-conflict reconstruction:

The emergence of Bosnia's 'stateness problem'

The intrinsic limits of Europe's Regional Approach to the Western Balkans became soon apparent. A policy aimed merely at economic reconstruction, political reform and regional cooperation failed to transform the political landscape on the ground. Lasting peace and stability in the region, as a consequence, remained distant and elusive. Bosnia after Dayton remained a deeply divided country characterized by rampant nationalism and a domestic political system revolving around conflicting ethnic agendas. Ethno-nationalist rhetoric tended to set the tone of the domestic political debate also in neighboring Serbia and Croatia. At regional level, mutual mistrust prevented the development of good neighborly relations – one of the conditions for the countries to advance on their path towards closer

and privatization of State-owned or socially-owned enterprises; establishment of a competitive and prudently managed banking sector. See *Conclusions on the Principle of Conditionality*, Annex I.

contractual relations with the EU.³⁷ The absence of clear prospects of full integration in the EU undermined Brussels' bargaining power in the region, making it difficult for the Union to establish itself as a credible and effective player.

Bosnia represented a particularly problematic test case for Europe's Regional Approach. Here, in fact, the long-lasting consequences of the war and a singularly complex domestic environment made it extremely difficult for the country born out of the Dayton agreements to consolidate itself. The limited power of attraction projected by Brussels due to the absence of clear prospects of enlargement met with a dysfunctional state and a highly polarized political system. As a consequence, progress towards the democratic consolidation and long-term stabilization of the country quickly stalled.

It is a fact that Bosnia's political system – and the set of institutions created in Dayton – originated from a stalemated war without a clear military winner on the ground.³⁸ The main goal of Western diplomats in Dayton was 'to end a war' – as the head U.S. negotiator Richard Holbrook recalls in his memoirs.³⁹ As a result, the outcome of the negotiations resembled more closely a permanent ceasefire, than a blueprint for a viable, self-sustaining state.

The new Bosnian state created in Dayton consisted of a complex multi-layered institutional structure in which central political institutions had very little

³⁷ Massari (2005).

³⁸ Negotiated settlements of civil wars tend to have a higher risk of breaking down than settlements imposed by military victories, see Licklider (1995). On the same line, Luttwak's (1999) somehow extreme view argues that the surest way to achieve lasting peace is not to impose a negotiated settlement from the outside, but to let the fighting reach its 'natural' conclusion by allowing the stronger party to achieve a clear victory. See also Duffy Toft (2009).

³⁹ Holbrooke (1998).

power. The two ethnic-based 'entities' – the Croat-Muslim Federation and the *Republika Srpska* – *de facto* divided Bosnia in half. The resulting institutional structure was a fragmented system comprising five presidents, twelve prime ministers, thirteen police forces, two customs services, three armies and a number of cantonal and municipal authorities.⁴⁰ Such a complex institutional system attempted to strike a very difficult balance between Serb and Croat desires for autonomy and Bosniak hopes for unity. The distribution of power between central state institutions and the two 'entities' strongly favored the latter. Mutual veto power was *de jure* as well as *de facto* conferred to the two 'entities,' thus internalizing the ethnic cleavage in the constitutional system. Dayton institutions, in sum, were effective in helping preserve peace by means of inclusive power sharing. They made sure that no ethnic group could overpower the others. At the same time, however, they entrenched the *status quo*, thus preventing political progress.⁴¹ Simply, they were not designed for implementing the wide range of political, social and economic reforms needed in Bosnia in its multiple transition from war to peace, from communism to market economy and from isolation to an integrated regional framework.

As it is often the case in fragile post-conflict societies, the power of new democratic institutions was internally challenged by the presence of pre-existing patronage structures. In the case of Bosnia this problem was complicated by the aggressive ethno-nationalist character and potentially violent nature of such structures, posed a very actual risk to the newly established, fragile institutions.

⁴⁰ Keane (2002), p. 71.

⁴¹ Szewczyk (2010), p. 26.

Informal, ethnic-based networks that had been created during the war thrived under the new constitutional system. Indeed, their power seemed to become even more entrenched after the first general election was called in 1996. In *Republika Srpska* the Serbian Radical Party under wartime nationalist leader Radovan Karadzic got the majority of votes. Similarly, nationalist forces won among Croats and Bosniaks as well. The combination of weak institutions and competing nationalist agendas soon brought Bosnia to political deadlock. The lack of progress towards the establishment of a functioning state risked jeopardizing the fragile peace on the ground, in a context in which each ethnic group seemed ready to resume military preparations for war.⁴²

In the words of Linz and Stepan, a clear case of 'stateness problem' emerged in Bosnia. The new state was characterized by profound disagreement about the territorial boundaries of the political community, as well as about who had the right to citizenship.⁴³ A common national identity hardly seemed in the making and, as a consequence, loyalty to state institutions remained low. Bosnia's political culture remained underdeveloped, not providing 'a reasonable basis' for supporting the new political and institutional system.⁴⁴ The contested legitimacy and endemic fragility of new state institutions prevented the establishment of a self-sustaining democracy since modern democratic governance is necessarily linked to the presence of a functioning state. 'Without a state, there can be no citizenship;

⁴² Robinson *et al.* (2001); Torsti (2004).

⁴³ Linz and Stepan (1996), p. 25.

⁴⁴ Pridham and Lewis (1996), p. 1.

without citizenship, there can be no democracy' – Linz and Stepan point out in their groundbreaking work on democratic transition and consolidation.⁴⁵

The presence of a deep ethnic cleavage made things all the more difficult. According to Linz and Stepan, in fact, 'the more the residents of a territory identify with one national group, the more a state is likely to come into existence and consolidate itself. The congruence between the *demos* (the people) and the *polis* (the political community where the people reside) [...] constitutes a supportive condition for democratic consolidation.'⁴⁶ The absence of an organization with the characteristics of the modern nation-state makes democratic consolidation difficult – Linz and Stepan conclude – although it does not necessarily 'preclude the presence of areas of segmented political authority.'⁴⁷

In Bosnia, in sum, the potentially explosive complexities of a post-conflict environment, the peculiar fragility of the domestic political system and the uniquely convoluted and cumbersome nature of Dayton institutions confronted the international community – and, after the quick U.S. disengagement, the EU in particular – with a daunting task. It soon became clear that Dayton Bosnia could not possibly function in the absence of continuous external support. A long and expensive European engagement in the country was in the making. On the one hand, the EU was called to commit itself to a more direct and pro-active role in the country's domestic politics – something it had never attempted before. On the other

⁴⁵ Linz and Stepan (1996), p. 19.

⁴⁶ Linz and Stepan (1996), p. 25.

⁴⁷ Linz and Stepan (1996), p. 19.

hand, Brussels was forced to re-think its overall Regional Approach to the Western Balkans, launching the Stabilization and Association Process, and finally presenting Bosnia and the whole region with more credible prospects of full integration into European institutions.

4. Transforming Bosnia from the inside:

The rise of the OHR/EUSR

The first step in the strategy to transform post-war Bosnia into a more stable, viable and self-sustaining state entailed the empowerment of the Office of the UN High Representative for Bosnia and Herzegovina (OHR) – an agency provided for in Dayton which had very limited powers in terms of implementation and enforcement of the peace agreement.⁴⁸ The OHR was selected as the best institutional tool to exert increased pressure on Bosnia's political system in order to remove the obstructions that clogged domestic institutions and to prompt much needed political, social and economic development. In its December 1997 meeting in Bonn the Peace Implementation Council (PIC) – the international body overseeing the implementation of the Dayton agreement – authorized the OHR to directly impose

⁴⁸ According to the Dayton agreement, the OHR was responsible of 'mobiliz[ing] and, as appropriate, coordinat[ing] the activities of the organizations and agencies involved in the civilian aspects of the peace settlement.' See *General Framework Agreement for Peace in Bosnia and Herzegovina*, Annex 10: Agreement on Civilian Implementation, Article I(2).

legislation on Bosnia and to remove recalcitrant local officials.⁴⁹ In the words of the PIC, due to the

intransigence of the former warring parties during the first two years, [the PIC] welcomes the High Representative's intention to use his final authority in theatre regarding interpretation of the [Dayton agreement] in order to facilitate the resolution of difficulties by making binding decisions, as he judges necessary.⁵⁰

The OHR could determine the 'timing, location, and chairmanship of meetings of the common institutions,' legislate 'interim measures to take effect when parties are unable to reach agreement,' and execute

other measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina [...]. Such measures may include actions against persons holding public office or officials who are absent from meetings without good cause or who are found by the High Representative to

⁴⁹ The PIC consists of representatives of a large number of states and international organization. Its Steering Board – which meets regularly at ambassadorial level, thus actually overseeing the implementation process – consists of the representatives of Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, the United States, the presidency of the European Union, the European Commission and Turkey (representing the Organization of the Islamic Conference). The PIC has come together at ministerial level six times: December 1995 (London), June 1996 (Florence), December 1996 (London), December 1997 (Bonn), December 1998 (Madrid), May 2000 (Brussels).

⁵⁰ Peace Implementation Council Bonn Conclusions (December 10, 1997), www.ohr.int/print/?content_id=5182 [accessed 09.01.2014].

be in violation of legal commitments made under the Peace Agreement or the terms for its implementation.⁵¹

Through the so-called Bonn Powers, the international community *de facto* assumed final executive authority in Bosnia's politics, gaining an unprecedented opportunity to influence domestic developments in the country.

The OHR's new central role in Bosnia's domestic politics fatally tended to turn into a stronger role for Europe. The U.S. and Europe, in fact, had reached a tacit understanding since the times of Dayton that the OHR would be in European hands.⁵² As a consequence, a series of European diplomats was appointed as High Representative. This allowed for a strong degree of coordination between the OHR and the EU. Starting in 2002, moreover, the High Representative was contextually appointed as EU Special Representative (EUSR), thus stressing the importance of the direct link between OHR and EU institutions.⁵³ Gradually the EU strengthened its leadership in Bosnia. Its growing presence in both civil and (since 2004) military terms; its role in economic aid, trade and investment; and, finally but crucially, the enhanced coordination with the newly empowered OHR were all signals of the growing importance of the EU as the main international actor in the country.

⁵¹ *Ibid.*, Art. I, Art. XI(2).

⁵² As Ivo Daalder recalls, during the negotiations 'the Europeans made clear that if Washington expected them to pay the lion's share of reconstruction and other economic assistance, the civilian coordinating effort would have to be in Europe's hands.' See Daalder (2000) note 41, p. 157.

⁵³ At the head of the OHR were appointed: Carl Bildt (1996-1997, also carrying the title of EU Special Envoy); Carlos Westendorp y Cabeza (1997-1999); Wolfgang Petritsch (1999-2002); Paddy Ashdown (2002-2006, first to be double-hatted as HR/EUSR); Christian Schwarz-Schilling (2006-2007); Miroslav Lajčák (2007-2009); Valentin Inzko (2009-present). Since 2011 HR and EUSR are no longer the same person: while Inzko remains the HR, Peter Sorensen – followed in 2015 by Lars-Gunnar Wigemark – has been appointed EUSR.

The new powers conferred to the OHR in 1997 made the High Representative the central figure in Bosnia's political system. Decisions made by the OHR were directly and swiftly enforceable in Bosnia, thus representing a quick, palatable alternative to the perpetually deadlocked domestic political system. High Representative Carlos Westendorp (1997-1999) noted how 'painfully cumbersome and ineffective' the Bosnian domestic representative institutions were when compared to the alternative possibility of the swift signature of his pen.⁵⁴ His authority as head of the OHR – he noted – was virtually unlimited:

You do not [have] power handed to you on a platter. You seize it. If you use this power well, no one will contest it.⁵⁵

On the same line, his successor (and first High Representative/EUSR) – British diplomat Paddy Ashdown – pointed out:

[...] There are two ways I can make my decisions. One is with a tape measure, measuring the precise equidistant position between three sides. The other is by doing what I think is right for the country as a whole. I prefer the second

⁵⁴ *Office of the High Representative Bulletin*, no. 62 (October 11, 1997).

⁵⁵ Jesus Rodriguez, 'Our Man In Sarajevo,' *El Pais* (March 29, 1998).

of these. So when I act, I shall seek to do so in defense of the interests of all people of Bosnia and Herzegovina, putting their priorities first.⁵⁶

Frustrated by the complexities of the local political and institutional system, the international community – with the EU at its center – increasingly used the Bonn powers to try and transform post-war Bosnia from the inside. The OHR tended to expand its authority well beyond the preservation of peace and the protection of human rights, which were its core tasks according to the Dayton Agreement. The promotion of a strengthened, effective and democratic Bosnian state became its central goal. The decision was made to ‘override Bosnian sovereignty in the short term’ in order to lay down the foundation for building it in the long term.⁵⁷ To what extent this was a conscious decision, or rather an unanticipated reaction to the institutional crisis in Bosnia is difficult to say. Increasingly, however, the OHR became the international community’s – and, more specifically, Europe’s – executive in Bosnia. The power inherent in his position made him impermeable to domestic pressures: ‘We don’t know what we can’t do,’ conceded an officer of the OHR as early as 1998.⁵⁸ A political system that can be defined as ‘super-presidential’ was created, with a foreign appointee at its center.⁵⁹ The Bonn Powers were used – as High Representative Paddy Ashdown explained – as a ‘nuclear option’ to prevent the

⁵⁶ Lord Paddy Ashdown, ‘Inaugural Speech by the New High Representative for Bosnia and Herzegovina,’ Bosnia State Parliament (March 27, 2002), available at www.ohr.int/ohr-dept/presso/presssp/default.asp?content_id=8417 [accessed 01.09.2014].

⁵⁷ McMahon (2004).

⁵⁸ ‘Bosnia: The Protectorate,’ *The Economist* (February 14, 1998).

⁵⁹ Cohen and Lampe (2011), p. 109. See also Chandler (2010).

resumption of violence, break internal deadlocks and advance the reform agenda in the country.⁶⁰

Decisions in matters as diverse as the design of a common flag for the new state, the establishment of a new common currency, the building of the airport in Mostar, the right of citizenship, and the regulation of Foreign Direct Investment (FDI) were made by the OHR, instead of being discussed by Bosnia's representative institutions.⁶¹ International priorities increasingly shaped the domestic political agenda, while Bosnia's policies increasingly seemed the result of 'arm-twisting policies exerted by representatives of the international community, [...] secretly and publicly exerted pressure, even blackmail, on behalf of the OHR, [...] the embassies of the PIC member states, etc.'⁶² Not surprisingly local politicians, civil society organizations and even members of the government started lobbying the OHR for legislative reform, instead of relying on the domestic political system.

The following table charts the distribution of the decisions made by the OHR by category and over time.

⁶⁰ Quoted in 'Occupational Hazard in Post-War Bosnia: Overruling Voters to Save Democracy,' *Wall Street Journal* (October 1, 2004). For a first hand account of Ashdown's approach, see Ashdown (2007).

⁶¹ *Decision imposing the Law on the Flag of BiH* (February 3, 1998); *Decision on the flying of the flag of BiH* (April 2, 1998); *Decision imposing the design of bank notes* (March 27, 1998); *Decision imposing an Interim Agreement to run the Mostar Airport* (March 1, 1998); *Decision imposing the Law on Citizenship of BiH* (December 16, 1997); *Decision imposing the Draft Law on the Policy of Foreign Direct Investment in BiH* (March 5, 1998).

⁶² Rašidagić (2006), p. 204.

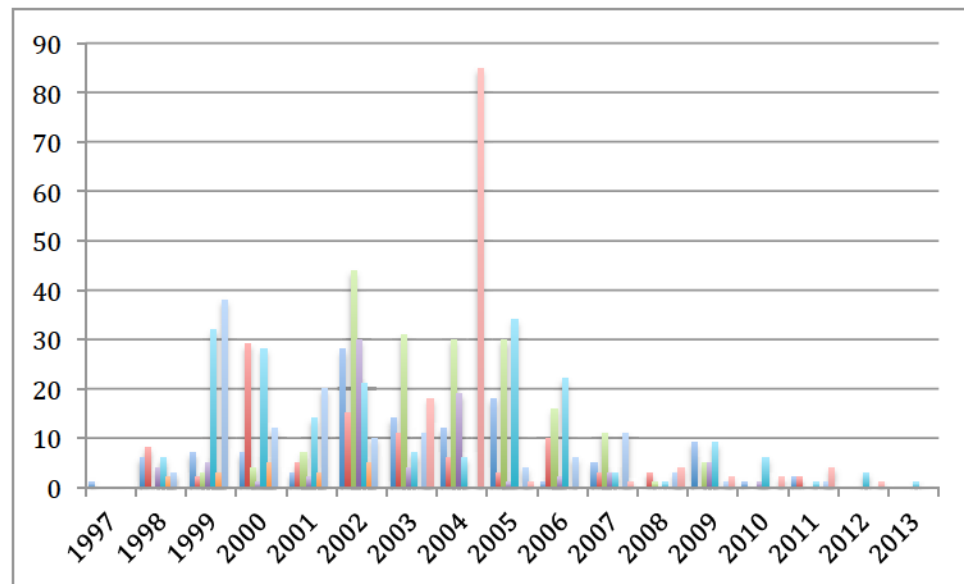
Table 2.1: OHR decisions by category and over time.⁶³

	State Symbols, State-level Matters and Constitutional Issues	Economic Field	Judicial Reform	Federation. Mostar and Herzegovina-Neretva Canton	Removals and Suspensions from Office	Media Restructuring	Property Laws, Return of Displaced Persons and Refugees and Reconciliation	War Crimes	TOTAL
1997	1	0	0	0	0	0	0	0	1
1998	6	8	0	4	6	2	3	0	29
1999	7	2	3	5	32	3	38	0	90
2000	7	29	4	1	28	5	12	0	86
2001	3	5	7	2	14	3	20	0	54
2002	28	15	44	30	21	5	10	0	153
2003	14	11	31	4	7	0	11	18	96
2004	12	6	30	19	6	0	0	85	158
2005	18	3	30	1	34	0	4	1	91
2006	1	10	16	2	22	0	6	0	57
2007	5	3	11	3	3	0	11	1	37
2008	0	3	1	0	1	0	3	4	12
2009	9	0	5	5	9	0	1	2	31
2010	1	0	0	1	6	0	0	2	10
2011	2	2	0	0	1	0	1	4	10
2012	0	0	0	0	3	0	0	1	4
2013	0	0	0	0	1	0	0	0	1
TOTAL	114	97	182	77	194	18	120	118	920
% Total	12.4%	10.5%	19.8%	8.4%	21.1%	2.0%	13.0%	12.8%	

⁶³ Source: Office of the High Representative, <http://www.ohr.int/decisions/archive.asp> [accessed 09.01.2014].

The distribution of OHR decisions looks even clearer if we look at the following graph.

Figure 2.1: Distribution of OHR decisions.



The perceived need for- and exercise of direct intervention by the OHR tended to peak in the early 2000s and to decline over time. Two factors help explain such a pattern. First, between 2003 and 2004 the OHR under the forceful leadership of Paddy Ashdown committed itself to bring to justice individuals indicted for war crimes in the wars of Yugoslav succession. Once those individuals were arrested, tried and convicted, the number of decisions in this field declined. Second, as a consequence of Ashdown's forceful tenure, widespread criticism mounted that the Bonn Powers were being used too often and intrusively. The international community, as a consequence, saw no alternative but to revise its strategy in Bosnia.

Influential think tanks such as the Berlin-based European Stability Initiative openly questioned the opportuneness of the presence of an all-powerful international 'raj' as the central figure in Bosnia's political system.⁶⁴ The phase of direct international control on Bosnia's politics – useful as it had been to break the political deadlock in the immediate post-war period – had to be quickly brought to an end. From an office aimed at supporting Bosnia's young-rooted institutions in the creation of a more stable and peaceful democracy – critics argued – the OHR had turned into an international substitute for domestic politics when it came to all major decisions.⁶⁵

Due to this 'substitution effect,' the OHR had become the center of the political and decision-making processes in Bosnia, *de facto* replacing the Bosnian state. In this perspective, therefore, it contributed to undermining the legitimacy of those very institutions the international community was supposed to foster and support.⁶⁶ Instead of strengthening state institutions and allowing for the development of local political forces, the OHR had been fortifying its own position.⁶⁷

⁶⁴ Knaus and Martin (2003). For a diametrically opposed interpretation see Bose (2005), who argues that 'virtually all developments since the end of the war that contribute to a slightly better present for [Bosnia's] citizens [...] have been due to international effort, often very intensive and protracted.'

⁶⁵ Caplan (2005).

⁶⁶ Knaus and Cox (2004) define Bosnia's regime as an 'illiberal democracy under international supervision,' arguing that 'international officials in Bosnia as well as diplomats on the Peace Implementation Council Steering Board show a marked reluctance to allow the country to graduate to a more normal form of engagement with the international community.'

⁶⁷ In 2005, for instance, 'about 60 per cent of all laws [in Bosnia were] still drafted by international agencies, turning the Bosnian parliament into a rubber stamp for internationally drafted laws': Solioz (2005), p. 130.

Bosnian citizens and politicians tended to passively accept the decisions made by the OHR/EUSR. Imposition by the international community was arguably more easily acceptable than the difficult and costly decision-making process characteristic of a divided, post-conflict polity. From the perspective of Bosnian citizens, inter-ethnic tension and violence could be more easily avoided thanks to the presence of an all-powerful international actor who was able to forcefully push through important legislation. From the perspective of local political elites, the presence of the OHR/EUSR was an easy alternative to a difficult domestic decision-making process in which politicians would be asked to take full responsibility for their decisions and – possibly – to pay a political price for them.⁶⁸

Public opinion and political elites' acquiescence to the new, more assertive role played by the OHR/EUSR soon led to the emergence of a widespread 'culture of dependency,' a characteristic feature of most post-conflict societies experiencing protracted intervention by the international community.⁶⁹ Typically, the more international agencies act in domestic institutions' stead, the less the domestic political system finds incentives to compromise and constructively work to address the problems of the country. Local politicians tend to maintain an intransigent attitude and to avoid inter-ethnic cooperation, conveniently blaming the international community for their own failures. The domestic capacity to formulate and implement public policy is crucially undermined.⁷⁰ The intrusive role played by

⁶⁸ On the complex dynamic between domestic actors and international peace builders see Keranen (2013). See also Mac Ginty (2011)

⁶⁹ Recchia (2007). Ignatieff (2003) compares the 'culture of dependency' developed by Bosnian intellectuals to the dependent mind set characterizing the African elites living under European colonial rule in the 19th century. On this subject, also see Fanon (1991).

⁷⁰ Bose (2002).

the international community causes a ‘capacity sucking out.’ Instead of favoring the development of effective local institutions, rich and comparatively efficient international agencies crowd out weak states’ capacities.⁷¹

Bosnia represented no exception in this respect.⁷² The EU exerted direct control on the OHR/EUSR – the central and most assertive among international agencies active in Bosnia – and coordinated most of the other international agencies that were responsible for a wide range of tasks, including security, law enforcement, public order, training of civil servants, aid and development, organization and monitoring of election, development of civil society, reform of education and return of displaced persons. For Bosnia, dependency on the international community increasingly took the meaning of direct dependency on the EU.

The following table shows the different international agencies present on the ground in Bosnia in this phase and their respective key tasks.

⁷¹ Fukuyama (2004), p. 139. On the same line, see Richmond and Franks (2009). See also Caplan (2004).

⁷² See Belloni (2009). Former High Representative Paddy Ashdown noted that the use of the Bonn Powers meant ‘a steady rise in dependence at the expense of independence.’ Adding that ‘this has made it more difficult for a culture of domestic responsibility to take root.’ Paddy Ashdown, *Speech to the Parliament of Bosnia and Herzegovina* (July 19, 2005); <http://www.ohr.int>. [accessed 02.20.2014]

Table 2.2: International agencies operating in Bosnia.

Name of Agency	Key Tasks
OHR/EUSR	Implements civilian aspects of the Dayton accords. Since 1997, vested with Bonn Powers, imposes legislation and removes elected officials.
EUFOR/Althea	Monitors security situation on the ground. Takes direct action in the fight against organized crime.
EUPM	Trains law enforcement personnel. Assesses threats to public order. Promotes reform of the police sector.
EU Commission	Delivers financial aid. Monitors progress and compliance with EU conditionality. Issues annual reports on the situation in the country.
OSCE	Implements measures aimed at confidence and security-building. Organizes and monitors elections. Implements human rights, fosters the development of civil society and the implementation of education reform.
UNHCR	Coordinates the return of refugees and internally displaced persons.

5. Transforming Bosnia from the outside:

The Stabilization and Association Process

The problems arising from the international presence in Bosnia, from the spread of the ‘culture of dependency,’ and from the lack of domestic ownership of the political process were clear to analysts and policy-makers in Brussels and across

Europe at least since the mid-2000s.⁷³ The role of the OHR/EUSR was particularly problematic because of the ‘substitution effect’ that tended to crowd out local capabilities and undermine the legitimacy of domestic representative institutions.⁷⁴ Europe’s attempt at transforming and consolidating post-conflict Bosnia – analysts pointed out as a consequence – had to gradually shift back to a more traditional approach based on Europeanization and enlargement. A clearer European perspective needed to be offered to Bosnia and to the Western Balkans as a whole in order to effectively trigger democratic consolidation and long-term stabilization across the region. With growing self-confidence, as a consequence, the EU had to embark on an ambitious strategy not only aimed at post-conflict reconstruction, but at the creation of self-sustaining domestic institutions that would eventually enable Bosnia to become a full member of the EU. Borrowing a definition by Timothy Garton Ash, what Bosnia needed was not just state building, but an unprecedented member state building operation.⁷⁵ Bosnia’s transition from quasi-occupation to shared sovereignty within European institutions would resemble – again in Garton Ash’s words – ‘a young adult passing in carefully supervised stages from the family home to a cozy marriage.’⁷⁶

⁷³ For an early, comprehensive critique, see Chandler (1999).

⁷⁴ ‘The need for the wide powers exercised by the High Representative certainly existed in the early period following the conclusion of the Dayton Agreement. However, such an arrangement is fundamentally incompatible with the democratic character of the state and the sovereignty of BiH.’ See Venice Commission (European Commission for Democracy through Law), *Opinion on the Constitutional Situation in BiH and the Powers of the High Representative*, Council of Europe (March 11, 2005), p. 22; [http://www.venice.coe.int/docs/2005/CDL-AD\(2005\)004-e.pdf](http://www.venice.coe.int/docs/2005/CDL-AD(2005)004-e.pdf) [accessed 09.01.2014].

⁷⁵ Timothy Garton Ash, “Why Kosovo Should Become the 33rd Member – and Serbia the 34th” *The Guardian* (February 15, 2007). See also Keil and Arkan (2014).

⁷⁶ Timothy Garton Ash, “The Sultanate of Europe,” *Los Angeles Times* (April 14, 2005).

Brussels' new *Stabilization and Association Process* for the Western Balkans signaled the Union's renewed commitment to the region, and a new attempt at transforming post-conflict Bosnia – this time by Europeanizing it.

On May 17, 1999, NATO's *Operation Allied Force* against Serbia was well underway. In the context of this new military and humanitarian emergency in the Western Balkans, the EU Foreign Ministers followed an initiative by the German Presidency, and launched the new Stability Pact for South Eastern Europe.⁷⁷ In launching the Pact, for the first time, the European Council unilaterally declared its willingness to establish a new kind of contractual relationship with all Western Balkan countries, bringing them closer to the perspective of full integration into the EU. In particular, the Council explicitly presented Western Balkan countries 'with a perspective of EU membership on the basis of the Treaty of Amsterdam once the Copenhagen criteria have been met.'⁷⁸

The change in the Council's approach to the Western Balkans was immediately mirrored by the Commission, which – on May 26, 1999 – launched its new 'Stabilization and Association Process' (SAP).⁷⁹ In this new institutional context, the countries of the region were offered the opportunity to establish contractual relations with the EU on a new basis. The signing of Stabilization and

⁷⁷ European Council, *Common Position (CFSP) Concerning a Stability Pact for South-Eastern Europe*, 1999/345/CFSP (May 28, 1999). The Stability Pact was officially adopted in Cologne on June 10, 1999.

⁷⁸ *Common Position 1999/345/CFSP*, preamble, paragraph 7. The criteria set by the European Council in Copenhagen (1993) refer to three main realms: democracy and the rule of law (the political criteria), a functioning market economy (the economic criteria), and the adoption of the *acquis communautaire* (the legal criteria).

⁷⁹ See Communication from the Commission, 'Stabilization and Association Process for Countries of South-Eastern Europe,' COM/1999/235 final (May 26, 1999).

Association Agreements (SAA) with Brussels, in particular, provided Western Balkan countries with clear and credible prospects of EU membership in the future.

The SAP was endorsed by the European Council at its meeting in Santa Maria da Feira in June 2000. From this date onwards, it became the fundamental institutional tool shaping Europe's relations with the Western Balkans.⁸⁰ In November 2000, finally, the SAP was formalized to local counterparts at the Zagreb Summit between the EU and Western Balkan countries. In this occasion, the EU reiterated its commitment 'to contribute to the consolidation of democracy and to give its resolute support to the process of reconciliation and cooperation between the countries concerned.'⁸¹ Western Balkan countries, in return, committed themselves to fulfill the conditions outlined by the European Council back in 1997, and to make good use of the SAP in order to progress towards EU membership.⁸²

The SAP – launched in Santa Maria da Feira – was soon complemented with a new set of institutional tools. An assistance program specific for the Western Balkans (CARDS – Community Assistance for Reconstruction, Development and Stabilization) was adopted in 2000.⁸³ It replaced the OBNOVA program and disbursed 4.6 billion euros for investment and institution building in the region

⁸⁰ 'The European Council confirms that its objective remains the fullest possible integration of the countries of the region into the political and economic mainstream of Europe through the Stabilization and Association membership,' European Council, *Santa Maria da Feira European Council, Presidency Conclusions* (June 19-20, 2000).

⁸¹ See *Zagreb Summit, Final Declaration* (November 24, 2000).

⁸² See Communication from the Commission, 'The Western Balkans on the Road to the EU: Consolidating Stability and Raising Prosperity,' COM/2006/27 final (January 27, 2006).

⁸³ Council Regulation EC/2666/2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the FRY and the Former Yugoslav Republic of Macedonia (December 7, 2000).

between 2000 and 2006.⁸⁴ Once again, political conditionality was explicitly included in the text of the CARDS regulation. Article 5 of the regulation, for instance, states that:

1. Respect for the principles of democracy and the rule of law, and for human and minority rights and fundamental freedoms is an essential element for the application of this Regulation and a precondition for Community assistance.
2. Community assistance shall [...] be subject to the conditions defined by the Council in its Conclusions of 29 April 1997, in particular as regards the recipients' undertaking to carry out democratic, economic and institutional reforms.⁸⁵

The Commission was tasked with assessing each country's progress and making recommendations for future action by means of detailed annual country reports. In its analysis – in particular – it was asked to review each country's compliance with EU political and economic criteria. When – in 2007 – the Instrument for pre-Accession Assistance (IPA) replaced CARDS as the new financial mechanism aimed at regulating and streamlining disbursements associated with EU accession, economic and political conditionality remained central in Brussels' strategy towards the Western Balkans.⁸⁶

⁸⁴ CARDS was replaced in 2007 with the Instrument for Pre-Accession Assistance (IPA).

⁸⁵ Council Regulation EC/2666/2000, Art. 5.

⁸⁶ A total 11,5 billion euros have been earmarked for Pre-Accession Assistance for the period 2007-2013: 10 billion euros in financial assistance for Western Balkans candidate and potential candidate countries, and 1,5 billion euros for Turkey.

A decade and a series of violent crises in the Western Balkans – in sum – prompted Brussels’ realization that economic reconstruction, political reform and regional cooperation alone were not sufficient to secure regional peace and stability. Only by adding credible prospects of full membership for the whole region, the EU could have a real chance to achieve that goal. The underlying assumption of this change in strategy was that the lessons learned from post-communist transition in Central and Eastern Europe could be more or less directly applied to a new round of enlargement in the Western Balkans. The successful precedent of the CEECs – analysts and policy-makers in Brussels observed – had convincingly proved that credible prospects of EU membership possessed the capacity of consolidating reform and facilitating change in candidate applicant countries. As it had been previously the case with the CEECs, therefore, Europe’s power of attraction was expected to gradually transform newly independent, conflict-ridden countries such as Bosnia into potential members of the European club. The positive and negative inducements provided by political and economic conditionality were expected to play the role of the ‘cement’ that kept the European strategy in Bosnia and the Western Balkans as a whole together.⁸⁷

The Council’s decision to finally open the doors of the Union to this part of the continent critically changed the nature of the relation between the EU and

⁸⁷ 2356th General Affairs Council, Luxembourg, PRES/01/226 (June 11-12, 2001), Annex: Council Report: Review of the Stabilization and Association Process, section III.

Bosnia.⁸⁸ The 'active leverage' of the EU increased, thanks to the incentives created by the tremendous benefits of prospective EU membership.⁸⁹

The European Council re-stated in July 2003 – this time at its meeting in Thessaloniki – that 'the future of the Balkans [was] in the European Union.'⁹⁰ Accordingly, the main goal of EU intervention in the region gradually shifted from the management of the consequences of the wars of Yugoslav succession to the integration of the whole Western Balkans into European institutions.

In 2006 plans started being circulated that provided for the closure of the OHR and the termination of the Bonn Powers, maintaining at the same time the presence of a strong EUSR to guide Bosnia towards accession.⁹¹ The international community's intrusive decision-making role was gradually scaled down, in the attempt to empower local politicians and to foster domestic ownership of the political process. As a precondition for the closing of the OHR, the EU pushed for constitutional reform, in the attempt to move beyond the institutional setting designed in Dayton, and to foster the creation of a more effective and less conflict-prone state structure. It was made clear to Bosnian authorities that the Dayton constitutional system based on mutual veto power among ethnicities had to be

⁸⁸ King (1996), p. 125, observes that 'the lure of Community membership has probably provided the strongest inducement of all to effect reform [in the East European states].'

⁸⁹ For the concept of 'active leverage,' see Vachudova (2005). See also Gromes (2009); Aybet and Bieber (2011).

⁹⁰ See European Commission, General Affairs & External Relations Council, *The Thessaloniki Agenda for the Western Balkans: Moving towards European Integration* (June 16, 2003).

⁹¹ Five conditions were set by the EU for the closure of the OHR: 1) Acceptable and sustainable resolution of the issue of apportionment of property between State and other levels of government; 2) Acceptable and sustainable resolution of defence property; 3) Completion of the Brcko final awards; 4) Fiscal sustainability; 5) Entrenchment of the rule of law. See *Enlargement Strategy and Main Challenges* (2009), p. 27. See also Parish (2007).

overcome, if the Bonn Powers were to be terminated. Furthermore, it was made clear that Brussels 'would not be able to consider [Bosnia's] application for EU membership until the OHR has been closed.'⁹²

The assumption underlying this change in strategy was that EU accession would be attractive enough to pull together local political leaders on an agenda of reform, facilitating progress towards institutional change and preserving domestic stability at the same time. In other words, it was assumed that Bosnia could transition from a situation in which domestic politics was essentially 'pushed' by the direct authority of the OHR/EUSR to a new situation in which the 'pull' of EU conditionality was the crucial external factor driving domestic politics. Deep pro-European consensus had been missing so far in post-conflict Bosnia at both political and societal level – it was noted. EU conditionality and local empowerment, nonetheless, were expected to boost local actors' political responsibility, ultimately focusing all major political forces in Bosnia on the goal of EU membership.⁹³

Such an assumption, unfortunately, was soon disproved by facts. The failure of the process of constitutional reform provides a good example of how Brussels' new Europeanization strategy for Bosnia failed to deliver the results the EU had hoped for.

⁹² *Enlargement Strategy and Main Challenges* (2009), p. 28. On the same line, the PIC Steering Board reiterated that 'an EU membership application by BiH cannot be considered as long as the OHR exists.' *Communiqué of the Steering Board of the Peace Implementation Council* (November 19, 2009); http://www.ohr.int/pic/default.asp?content_id=44119 [accessed 09.01.2014].

⁹³ 'Europe's attractiveness to non-EU states can exert a positive reforming influence without necessitating civilizing missions or a blatant neo-colonial imposition of Western institutions and policies,' Manners (2006), p. 175 noted at the time.

Efforts at constitutional reform began in 2004 under a loose EU supervision. By 2006 a secret agreement among Bosnia's party leaders had been signed. The House of Representatives, however, rejected the whole package deal in April 2006. Talks resumed in November 2008, when leaders of the three main political parties in Bosnia launched the short-lived Prud process aiming at harmonizing the constitution with the European Convention on Human Rights. In October 2009, finally, the EU Swedish Presidency – together with the U.S. government – called together Bosnia's major party leaders at the NATO/EU basis in Butmir, near Sarajevo, in the attempt to finally reach a breakthrough in the negotiations.

The OHR/EUSR hardly played a role in the whole process. High Representative and EUSR Valentin Inzko was invited to the negotiations in Butmir, but only in his capacity as the EUSR. The international community, with Europe playing a central role, openly refused to resort to the Bonn Powers to influence the negotiations. Local empowerment and domestic ownership were the guidelines followed by European and international diplomats throughout the process.⁹⁴

In the absence of an assertive international broker, however, the bargaining process stalled again. EU membership was too remote in the future to be effectively used to entice local policy-makers into serious negotiations. Compromise on constitutional reform, moreover, was difficult to reach for local political leaders who had never grown accustomed to take full responsibility for their political choices. A new explosion of nationalistic rhetoric suddenly poisoned Bosnia's political scene, with the premier of *Republika Srpska*, Milorad Dodik, demanding the right to a

⁹⁴ Sebastian (2009).

referendum on ‘entities’ self-determination to be included in any new constitutional amendment.⁹⁵

After the failure of the negotiations on the constitutional reform, Bosnia faced the 2010 general election in an atmosphere of growing uncertainty, rampant ethno-nationalist rhetoric and threats of secession. The result of the poll led to a renewed stall in Bosnia’s politics. It took six months to form a central government. Bosnia’s state institutions – traditionally the weakest link in the institutional setting created in Dayton – were paralyzed.⁹⁶ Conflicts tended to escalate within the Croat-Muslim Federation and between ethnicities. The *Republika Srpska* seemed increasingly eager to seize the opportunity to push through with independence, carving out more and more competences from stalled state institutions, thus strengthening its autonomy. The prospects of Bosnia’s disintegration seemed all of a sudden more tangible than ever.

It became increasingly apparent to domestic and international observers that the political system in Bosnia – accustomed as it had grown to international tutorage – had a hard time generating the political consensus needed to reach an agreement on major political issues. EU authorities blamed it on Bosnia’s ‘insufficient political commitment’ to reform.⁹⁷ Independent observers called for a return to a more forceful approach by the international community through a renewed role of the OHR/EUSR. Former High Representative Paddy Ashdown warned that, by giving up the direct impulse allowed for by the Bonn Powers,

⁹⁵ Ian Traynor, “Threat by Bosnia Serbs Alarms EU and US,” *The Guardian* (October 14, 2009).

⁹⁶ See Marta Szpala, “Bosnia and Herzegovina: An Ongoing Erosion of the State,” *CEWeekly* (March 30, 2011); http://www.osw.waw.pl/sites/default/files/CEWEEKLY_109.pdf [accessed 09.01.2014].

⁹⁷ *Enlargement Strategy and Main Challenges* (2009), p. 28.

Europe, which failed the Balkans in the 1990s, risks doing so again, and could destroy its credibility as a foreign policy player.⁹⁸

The International Crisis Group warned that a strong OHR/EUSR was still necessary for Bosnia, given the continuing challenges in the country.⁹⁹ In the scholarly debate, analysts warned that the tensions arising from the failure of the constitutional reform could lead to a 're-division of Bosnia,'¹⁰⁰ arguing that the country could soon find itself back on the brink of a military crisis.¹⁰¹

The failure of the process of constitutional reform was arguably so much the product of irreconcilable domestic differences and nationalistic rhetoric as it was caused by the failure of the international community – and of the EU particularly – to exert decisive leverage on Bosnia's domestic political system.¹⁰² Brussels' strategy focusing on Europeanization and domestic ownership of the transformation process showed its inherent limits. Fatally, the EU saw its credibility in Bosnia decline, while its influence over the domestic political process was dramatically reduced.

The perfect paradox of Europe's presence in Bosnia became fully apparent. The assertive, direct presence of the EU in Bosnian domestic politics was necessary

⁹⁸ 'In Balkans, a Daunting Money Pit for the EU,' *The International Herald Tribune* (October 1, 2009).

⁹⁹ International Crisis Group (2009).

¹⁰⁰ McMahon and Western (2009), p. 83.

¹⁰¹ Chivvis (2010).

¹⁰² Sebastian (2009), p. 341.

– particularly through the OHR/EUSR – in order to avoid political and institutional deadlock in a still deeply divided polity. Yet, by directly imposing its rule on domestic politics, the EU was fatally bound to indefinitely prolong its direct presence in Bosnia, fostering the ‘culture of dependency,’ ‘sucking out’ local capacities and undermining the internal legitimacy of those same local institutions it was supposed to protect.

6. The limits of Europe’s transformative power in Bosnia:

Testing Europeanization in a post-conflict environment

Several causes can be singled out, that concur to explain why Brussels’ attempt to transform and integrate Bosnia failed to deliver tangible results while a similar strategy had proven extremely successful in guiding post-communist transition in the CEECs.

First, a geostrategic element needs to be taken into account. Bosnia lacked powerful sponsors among EU member states, which would act as facilitators on its path towards European membership.¹⁰³ In the case of the CEECs, important Western European players – Germany first of all – had actively lobbied in favor of the swift and thorough integration of Central and Eastern Europe. The Europeanization of that area – they observed – was going to create an arc of stability

¹⁰³ I wish to thank Dr. David Kanin for drawing my attention on this issue.

crucial for their national interest.¹⁰⁴ A comparable geostrategic imperative, now, was absent when it came to the Europeanization of Bosnia. The fragile post-conflict country, as a consequence, was left alone in its dealing with Brussels, with no member state pushing from within European institutions for its integration.

A second element we need to take into account in order to explain the problematic development of Europeanization in Bosnia points to the loss of credibility of the EU. Sometime between the completion of the enlargement to the CEECs in 2004 and the admission of Romania and Bulgaria in 2007 – and especially after the failed referenda on the EU constitution in France and the Netherlands – part of the European public opinion and elites started showing signs of what was then called ‘enlargement fatigue.’ The accession of yet more ‘weak’ post-communist countries to the EU – the argument went – would fatally undermine the internal cohesion and stability of the Union, paralyzing its institutions for the foreseeable future. Further enlargement to the east – and, specifically, to the Western Balkans – was therefore openly questioned and vocally opposed. Croatia – perceived as economically more advanced and culturally more Westernized than the other countries in the region – was considered the ‘only possible exception.’¹⁰⁵

As a consequence of growing pressures to slow down EU expansion, the Council asked the Commission to re-focus its attention on Europe’s ‘absorption

¹⁰⁴ Countries such as recently re-united Germany were eager to create a ‘zone of peace and political stability’ in the East, notes Zielonka (2006). On the role played by recently re-united Germany in this context, see Crawford (1996); Anderson (1997).

¹⁰⁵ Seroka (2008).

capacity' before moving on with further enlargement.¹⁰⁶ The Commission responded by formulating more rigorous guidelines ensuring that 'the candidate countries are ready to take on the obligations of membership when they join by fulfilling the rigorous conditions set.'¹⁰⁷ This would make candidate countries more easily 'absorbable' for the EU, while enabling common 'institutions and decision-making processes [to] remain effective... in a Union of more than 27 Member States.'¹⁰⁸

A long, extenuating 'reflection period' started, in which the EU seemed increasingly focused on its own internal equilibriums, rather than credibly committed to further rounds of enlargement.¹⁰⁹ The accession of Bulgaria and Romania in 2007 – subject to a formal process of post-entry oversight – made clear that further enlargement rounds would not come quickly or easily.¹¹⁰ The outbreak of the international economic and financial crisis in 2008, finally, quickly led to an unprecedented crisis within the euro zone, confirming EU policy-makers and public opinion in their skepticism about the urgency of Western Balkan countries' accession to the EU. Leading European politicians openly stated that – with the sole

¹⁰⁶ European Council, *Presidency Conclusions* (June 15-16, 2006). For the concept of 'absorption capacity,' see Emerson, *et al.* (2006).

¹⁰⁷ Commission of the European Communities, *Communication to the Council and EP: Enlargement Strategy and Main Challenges 2006-2007. Including Annexed Special Report on the EU's Capacity to Integrate New Members*, COM(06)649 (November 8, 2006).

¹⁰⁸ Commission of the European Communities, *Communication to the Council and EP: Enlargement Strategy and Main Challenges 2006-2007. Including Annexed Special Report on the EU's Capacity to Integrate New Members*, COM(06)649 (November 8, 2006).

¹⁰⁹ See Phinnemore (2006).

¹¹⁰ Noutcheva and Bechev (2008). The application of the Cooperation and Verification Mechanism (CVM) to Bulgaria and Romania was interpreted in the Western Balkans as implying new, more intrusive pre-entry scrutiny for any prospective candidate country. In the case of Croatia for instance – although a formal CVM has not been signed – the EU is expected to extend its oversight on compliance with several chapters of the *acquis communautaire* for two years after accession.

possible exception of Croatia – no further enlargement was credibly foreseeable in the future.¹¹¹

Officially, the EU never shut its doors in front of Bosnia. The Thessaloniki Agenda of 2003 formally remained the cornerstone of Brussels' strategy, reaffirming a 'European perspective' and 'EU future' for the country. In the absence of credible prospects of membership, nonetheless, the power of attraction of the EU resulted fatally undermined. The process of economic, political and institutional reform tended to stall. Local politicians soon realized that the costs of implementing Brussels' agenda of change would be simply too high in the absence of credible prospects of future EU enlargement in the region.¹¹²

A third – and more fundamental – cause explaining why the Europeanization strategy in Bosnia stalled points to the country's nature as a post-conflict, deeply divided actor. Chapter 3 will deal extensively with the problematic outcomes of Brussels' attempted Europeanization of Bosnia. At this point, nonetheless, we can start making a few considerations about how Bosnia's fragmented post-conflict environment, its highly polarized political system, and its unfinished institutional, political and democratic consolidation have affected the process of Europeanization.

They have done so – we argue – in two different ways.

¹¹¹ See "Merkel Moots 'Privileged Partnership' for Balkans," *EUobserver* (March 17, 2006); "Sarkozy Calls for Definition of Borders of Europe," *EUobserver* (March 31, 2006); "France: No EU Enlargement without Treaty," *Balkan Insight* (July 10, 2008); "EU Must Consolidate before Further Enlargement, Merkel Says," *EUobserver* (March 17, 2009).

¹¹² Author's interview with the President of *Republika Srpska* Milorad Dodik, Washington, DC (October 20, 2011).

On the EU side, they forced Brussels to take upon itself an unprecedentedly complex task. For the first time in its history, the EU assisted Bosnia with post-conflict reconstruction and socio-economic development; it launched an ambitious process of state- and institution building aimed at strengthening the fragile country born out of Dayton; finally, it tried to transform it into a viable EU member by means of Europeanization. Borrowing from Garton Ash – as seen above – we have defined this process as member state building.

These multiple agendas were implemented simultaneously and proved extremely difficult to reconcile. Often – more accurately – they tended to collide, thus undermining the efficacy of the overall process. The reason for that lies in the fact that member state building tries to reconcile two distinct processes that are fundamentally different.¹¹³ The first is a process of transformation, aimed at building the state. The second, simultaneous process is Europeanization, which is about integrating already functioning states and rendering them compatible with the European model.¹¹⁴ Caught between these two irreconcilable processes, the EU often struggled to identify a clear strategy, and failed to exert effectively and productively its influence on Bosnia.

On Bosnia's side, fragile democratic institutions, a divided polity, a characteristically fragmented political system, a less-than optimal bureaucratic capacity often prevented the country from effectively engaging in the Europeanization process.

¹¹³ See Mungiu-Pippidi (2010).

¹¹⁴ Mungiu-Pippidi (2010), p. 60.

At institutional level, the lack of consolidated and universally accepted democratic institutions made it difficult for the country to pass and implement legislation in line with EU conditions. Moreover, it hampered Bosnia's chances of dealing effectively with the long and complex negotiations leading to EU accession. A case in point in this respect is the agricultural sector. The country has seven different ministries that share responsibility for the management of agriculture, water and forestry, and that deal directly with Brussels. It comes as no surprise that, under such circumstances, Bosnia has had a hard time conducting a coherent and effective agricultural policy, and that its relations with Brussels have been problematic and uncertain.¹¹⁵

At political level, the endemic weakness of Bosnia's political system made it difficult to consistently and resolutely pursue the agenda of reform and modernization put forward by the EU. A fragile political system, moreover, proved easily permeable by powerful economic interests aiming at obstructing the implementation of the EU reform agenda. The political use of ethno-nationalism illustrates this point. At the time of the Yugoslav wars politicians used to control nationalism, and used it to mobilize their constituencies and to strengthen their often-autocratic power. More recently, on the contrary, ethno-nationalism has been used by powerful economic interest groups (often of illegal nature). By controlling nationalism, these organizations manage to influence and blackmail weak and

¹¹⁵ Author's interview at the Federal Ministry of EU Integration of Bosnia and Herzegovina, Sarajevo, Bosnia and Herzegovina (April 25, 2012).

discredited politicians. In doing so, they are often capable of forestalling reform, securing the closure of the country, and preserving their power basis.¹¹⁶

At bureaucratic level, the lack of a mature culture of civil service made the adoption of EU rules and regulations virtually impossible.¹¹⁷ Furthermore, it made it difficult for the candidate country to implement reform and improve the overall level of effectiveness of the state.

Institutional, political and bureaucratic fragility – characteristic features of post-conflict environments – came to represent a major hurdle on Bosnia's path to EU membership. Under such extreme circumstances, EU conditionality failed to show the transformative power many in Brussels had anticipated. Confronted with the presence of evident limits to Bosnia's capacity and willingness to engage in the reform process, Europeanization stalled. In Bosnia for the first time – one might argue – Europe's transformative power met its limits. The next chapter will analyze more in depth how this happened.

¹¹⁶ Author's interview at the Regional Cooperation Council, Sarajevo, Bosnia and Herzegovina (April 25, 2012).

¹¹⁷ See Divjak and Pugh (2008).

Chapter 3

Coming to terms with reality:

The failure of the EU in Bosnia

The SAA was not designed to resolve ethnic conflict and is ill-suited to addressing Bosnia's yawning constitutional issues.

Those who see the SAA and EU accession process as a cure-all for Bosnia fail to see that the EU has never had an aspiring candidate country like post-war, continued-conflict Bosnia.¹

Bosnia's integration in the EU is the only viable option to provide the country with long-term domestic stability and international security. Geography and history, past and present prove that Bosnia is an integral part of Europe. The EU has a vested interest – and a historic responsibility – in its (re)integration in the mainstream history of the continent.

¹ Joseph and Hitchner (2008).

Over the past twenty years Bosnia – together with the rest of the Western Balkans – has been already integrated in the EU zone *de facto*, if not *de jure*. It has been gradually annexed to the EU strategic and military sphere; it has gradually become part of the EU economic space; it has become more and more involved in a day-to-day political relation with the EU. Further integration seems the inescapable choice for both Bosnia and the EU. It is not clear, however, what form this future integration is likely to take in the years to come. The traditional path followed by the CEECs led them to a relatively smooth integration as full, equal members in the EU community. Commitment to structural reform, convergence towards EU standards, domestic and international stability were the capstones of the strategy pursued by the CEECs to enter the EU. Bosnia, unfortunately, hardly seems to be progressing on this path. Virtually all socio-economic indicators – from political stability to government effectiveness, from economic growth to social development – show that Bosnia has been stagnating, incapable of reforming its institutions, its political and economic system.

Analyzing the situation of the Western Balkans back in 2005, the International Commission on the Balkans concluded that

[...] If the EU does not devise a bold strategy for accession that could encompass all Balkan countries as new members within the next decade, then it will become mired instead as a neo-colonial power in places like Kosovo, Bosnia and even Macedonia. Such an anachronism would be hard to manage

and would be in contradiction with the very nature of the European Union.

The real choice the EU is facing in the Balkans is: Enlargement or Empire.²

Reassessing the situation in 2015, one can safely argue that the dichotomous choice imagined by the International Commission proved finally misleading. After twenty years of international – and European – presence in Bosnia, enlargement looks unlikely. Bosnia's chronic failure to reform, coupled with Europe's long internal crisis have blocked the enlargement process for years, and there is little sign that it is going to be revived anytime soon. Empire – similarly – seems to be on nobody's mind. Years of failed attempts and strategies to solve Bosnia's seemingly intractable problems have frustrated Europe's expectations and aspirations. The emergence of more pressing priorities – domestic and international – has distracted Europe's attention and diverted its energies. Increasingly, Europe has seemed to be reacting to events in Bosnia, and to lack the energy or the willingness to take the initiative. In such a framework, Bosnia has been drifting in an endless transition with no clear direction – relatively stable and yet never really secure.

Frustrated in its ambitions to showcase its transformative power in a uniquely complex environment such as Bosnia, the EU has been gradually retreating towards a more minimalistic – one might say, humble – approach. In the end, Brussels' recent emphasis on local ownership of the reform process amounts to the acknowledgment of the fact that Europe's strategy has failed in Bosnia and that

² International Commission on the Balkans (2005).

change – if it will ever happen – will be dictated by Bosnia itself and not by the impulse coming from the EU.

1. Bosnia and Europe in times of crisis:

The erosion of the convergence narrative

‘It is always harder to enlarge in a recession’ – EU Commissioner for Enlargement Olli Rehn pointed out in 2009. ‘While combating the economic recession, we must not make EU enlargement a scapegoat for a problem it did not create. [...] Europe’s economic troubles are not created by Czech autoworkers, or Serbian civil servants. They stem from errors of financial capitalism – and originate from Wall Street, not the Main Street of Prague or Belgrade.’³

Indeed, the global financial and economic crisis – which soon turned into a highly destabilizing sovereign debt crisis within the euro zone – critically diverted Europe’s intellectual and physical resources from Bosnia, and the Western Balkans as a whole.⁴ Enlargement plummeted to the very bottom of the list of European leaders and public opinion’s strategic priorities.⁵ German Chancellor Angela Merkel – for instance – advocated a ‘time-out’ following the accession of Croatia, in order to allow Europe to solve its internal problems.⁶ EU enlargement in the region was

³ ‘EU Enlargement Five Years On: A Balance Sheet and What Next,’ EU Commission Speech/09/292 (June 10, 2009).

⁴ Zeneli (2012).

⁵ Tolksdorf (2013).

⁶ Ulrich Speck, “Is Germany Closing the Door On Further EU Enlargement?” *Radio Free Europe* (March 28, 2009).

postponed into a distant, uncertain future. With the EU focusing more and more on its internal consolidation, the Western Balkans was pushed back at ‘the periphery of the periphery.’⁷ In the absence of strong political leadership, the credibility of the EU in Bosnia suffered enormously. The process of EU enlargement was kept alive at bureaucratic level most notably by the Commission and the EEAS, eager to safeguard and consolidate the role Brussels had been playing in the region for years. The only unpalatable alternative to enlargement – officials in Brussels noted – had already been experienced in the 1990s, when Europe’s lack of attention contributed to precipitate the region in widespread violence and deep recession.

On November 8, 2010 visa liberalization was granted to Bosnian citizens. Despite the economic crisis, moreover, EU financial assistance continued to flow as planned.⁸ Europe – High Representative Javier Solana pointed out in 2009 – had ‘invested too much to allow [Bosnia and the rest of the Western Balkans] to slip away from the EU power of attraction.’⁹ Brussels kept its doors open – newly appointed Commissioner for Enlargement Stefan Füle observed in 2010 – in the hope that new member states would be able to enter the ‘European family’ within years.¹⁰

European leaders’ frustration with the seeming lack of progress across the Western Balkans, nonetheless, led to a change in Brussels’ strategy. The regional approach trying to draw the whole region towards EU membership had failed –

⁷ Bechev (2012).

⁸ See Stubbs and Venancio (2009); see also World Bank (2009).

⁹ Ditchley Foundation Lecture (July 11, 2009). Quoted in Cohen and Lampe (2011), p. 481.

¹⁰ Hearing at the European Parliament (January 12, 2010).

officials in Brussels were forced to admit. The ‘regatta’ that had been expected to lead all Western Balkan countries – each at its own pace – closer and closer to accession had never really sailed off.¹¹ A new, more realistic approach was thus needed. The EU was to concentrate its efforts on the countries with the highest potential of advancing towards membership. Their integration would naturally cause a ‘domino effect’ that sparked a dynamics of emulation through the region, motivating laggards to follow suit.¹² There was only so much Brussels could do to draw applicant countries towards membership – EU officials noted.¹³ Ultimately, it was each country’s task to take resolute action and move in the sense of modernization, converging towards the EU. ‘Local ownership’ of the transition process became the new rallying cry in European circles.¹⁴

Brussels’ new emphasis on local ownership predictably strengthened a process that was already well underway throughout the Western Balkans. Increasingly, the region split between ‘the drowned and the saved’¹⁵ – between those retaining a reasonable hope of accession in an admittedly distant future, and those lagging farther and farther behind, increasingly mired in paralysis and apathy. In Bosnia the process of reform and democratic consolidation further lost momentum, grinding to a virtually complete halt.

¹¹ Author’s interview at the EU Delegation, Washington, DC (April 9, 2012).

¹² Author’s interview at the EU Delegation, Washington, DC (April 9, 2012).

¹³ Author’s interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

¹⁴ A central factor explaining Europe’s shift towards local ownership was caused by a change in German domestic equilibriums. In 2009 FDP leader Guido Westerwelle became Foreign Minister, bringing to the post the traditional liberal preference for a restrained foreign policy. Among Europe’s political leaders, he was the most vocal advocate of the new approach in the Western Balkans. Author’s interview at the Friedrich Ebert Foundation. Sarajevo, Bosnia and Herzegovina (April 22, 2012).

¹⁵ Levi (1988).

With prospects of EU membership looking more and more uncertain and distant in the future, local elites felt encouraged to look at their relations with the EU more opportunistically. They kept paying lip service to the European agenda of reform. At the same time, they tried to eschew the costs attached to the implementation of such agenda. They increasingly realized that the EU – and the Commission in particular – needed to show progress in order to justify its role in Bosnia.¹⁶ Brussels – they found out – needed them as much as they needed Brussels. As a consequence, they often decided to play the waiting game, hoping that Brussels would eventually lower its standards in assessing compliance with EU conditions, and admit the whole region in the European club.¹⁷

It can be argued, in sum, that the outbreak of Europe's crisis favored the emergence of a silent pact between enlargement-fatigued EU member states and local rent-seeking elites. The pace of transformation was deliberately slowed down. In parallel, the tendency towards stagnation was reinforced. Politicians within the EU were spared the thankless task of dealing with credible membership applications that would be very hard to take in serious consideration in times of crisis. Local elites were able to keep control on their own constituencies and sources of power, avoiding the fate of Croatia's Ivo Sanader – the Prime Minister who had been charged with corruption right after leading his country to EU membership. In this

¹⁶ Author's interview at the Federal Ministry of EU Integration, Sarajevo, Bosnia and Herzegovina (April 25, 2012).

¹⁷ Author's interview at the Federal Ministry of EU Integration, Sarajevo, Bosnia and Herzegovina (April 25, 2012). On the EU side, worries started spreading that conditionality towards Western Balkan countries could be watered down. Former EU Commissioner Chris Patten, for instance, pointed out in November 2009 that EU policy in the region was 'starting to show a dangerous disinclination to apply tough conditionality.' See *Irish Times* (November 24, 2009).

context, the Commission was left virtually alone trying to keep the Europeanization agenda alive in Bosnia, and in the Western Balkans as a whole.

The effects of this slowing down in the pace of reform are captured by international indices such as the Freedom House democracy scores (which measures progress in terms of democratization) and the Bertelsmann Transformation Index (which takes into account progress in democratization, economic performance and governance reform). As the data show, reform in the Western Balkans has stagnated since the beginning of Europe's economic crisis. The whole region – with the notable exception of Serbia – has shown a negative trend. Bosnia's prospects, in this context, look particularly problematic.

Table 3.1: Freedom House democracy scores (1 highest, 7 lowest).¹⁸

	2008	2009	2010	2011	2012	2013	2014	Trend
Croatia	3.64	3.71	3.71	3.64	3.61	3.61	3.68	Negative
Bosnia	<u>4.11</u>	<u>4.18</u>	<u>4.25</u>	<u>4.32</u>	<u>4.36</u>	<u>4.39</u>	<u>4.43</u>	<u>Negative</u>
Serbia	3.79	3.79	3.71	3.64	3.64	3.64	3.64	Positive
Montenegro	3.79	3.79	3.79	3.82	3.82	3.82	3.86	Negative
Kosovo	5.21	5.14	5.07	5.18	5.18	5.25	5.14	Stable
Macedonia	3.86	3.86	3.79	3.82	3.89	3.93	4.01	Negative
Albania	3.82	3.82	3.93	4.04	4.14	4.25	4.18	Negative

¹⁸ Based on *Nations in Transit* Reports, data available on <http://www.freedomhouse.org> [accessed 09.01.2014].

Table 3.2: Bertelsmann Transformation Index (10 highest, 1 lowest):¹⁹

	2006	2008	2010	2012	2014	Trend
Croatia	8.71	8.57	8.31	8.25	8.17	Negative
<u>Bosnia</u>	<u>6.61</u>	<u>6.51</u>	<u>6.43</u>	<u>6.41</u>	<u>6.37</u>	<u>Negative</u>
Serbia	6.95	7.21	7.39	7.51	7.51	Positive
Montenegro		7.28	7.35	7.28	7.51	Positive
Kosovo			6.48	6.28	6.23	Negative
Macedonia	7.08	7.52	7.53	7.35	7.17	Negative
Albania	6.61	7.07	7.17	7.02	6.55	Negative

The impact of Europe's crisis on Bosnia can be observed also from a different perspective. In recent years the inflow of FDI has dried out, depriving the country of an indispensable source of capital. FDI – which in the case of Bosnia originates almost exclusively from EU member countries – is an important indicator of the degree of candidate countries' economic integration within the EU. The dramatic decrease in FDI shown in the table below, therefore, can be read as another sign that – since the outbreak of the economic crisis – Bosnia has actually not been converging towards the EU.

¹⁹ Based on data available on <http://www.bti-project.org/home/index.nc> [accessed 09.01.2014].

Table 3.3: FDI as a percentage of total GDP in Western Balkan countries:²⁰

	2006	2007	2008	2009	2010	2011	2012	2013
Croatia	6.5	8.3	8.4	5.5	1.4	2	2.4	1
Bosnia	<u>6.8</u>	<u>11.8</u>	<u>5.4</u>	<u>0.8</u>	<u>2.6</u>	<u>2.6</u>	<u>2.1</u>	<u>1.8</u>
Serbia	17	8.8	6.3	4.8	3.6	6.2	0.9	3.2
Montenegro		25.5	21.2	37.3	18.4	12.4	15.3	10.1
Kosovo	9.4	12.7	9.3	7.3	8.5	8.2	4.5	4.9
Macedonia	6.5	9	6.2	2.8	3.2	4.8	3	3.7
Albania	3.6	6.1	9.6	11.2	9.1	8.1	7.5	11.5

Interestingly, the economies that are more integrated within the European common market – such as Bosnia and Croatia for instance – have been suffering the most in terms of contraction of trade, decline in demand for their export and disappearance of FDI. As it has been observed, the more integrated a country is in the EU, the more it tends to suffer due to Europe's crisis.²¹

Table 3.4: GDP growth in percentage points:²²

	2006	2007	2008	2009	2010	2011	2012	2013
Croatia	4.9	5.1	2.1	-6.9	-2.3	-0.2	-2.2	-0.9
Bosnia	<u>5.7</u>	<u>6.1</u>	<u>5.6</u>	<u>-2.7</u>	<u>0.8</u>	<u>1.1</u>	<u>-1.2</u>	<u>2.1</u>
Serbia	3.6	5.4	3.8	-3.5	1	1.6	-1.5	2.5
Montenegro	8.6	10.7	6.9	-5.7	2.5	3.2	-2.5	3.5
Kosovo	3.4	8.3	4.5	3.6	3.3	4.4	2.8	3.4
Macedonia	5.1	6.1	5	-0.9	2.9	2.8	-0.4	2.9
Albania	5.4	5.9	7.5	3.4	3.5	2.3	1.1	0.4

Less integrated countries in the region have experienced the effects of Europe's crisis more slowly, as a consequence of their lower share of exports to

²⁰ Based on data issued from the World Bank, available at <http://data.worldbank.org/indicator/> [accessed 09.01.2014].

²¹ Bartlett and Prica (2012).

²² Based on data from the IMF World Economic Outlook, available on <http://www.imf.org/external/data.htm#data> [accessed 09.01.2014].

GDP, or more limited influx of FDI. Also in these cases, however, Europe's crisis has finally hit, mostly due to the decline of remittances from Western Europe.²³

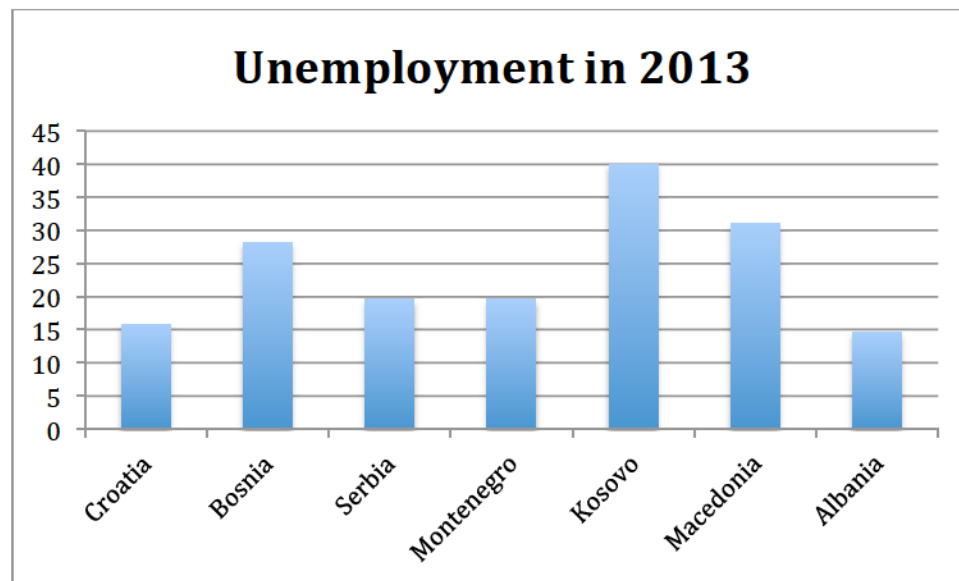
The banking system has represented another channel for contagion through which Europe's crisis has impacted Bosnia. Starting in 2008, the credit crunch has led to a dramatic restriction in liquidity in the country and throughout the region. Tighter capital rules adopted within the euro zone to respond to the liquidity crisis of major banking groups such as Austria's *Erste Bank* or Italy's *UniCredit* have limited the availability of capital to be invested in Bosnia.²⁴ Increased financial prudence within the euro zone has led to deleveraging in Bosnia and throughout the Western Balkans, ultimately worsening the local effects of the economic crisis. The fact that the sum of Greek and Italian banks represents roughly 50 percent of the whole banking system in the region, moreover, shows how the economic slowdown in the periphery may be a direct result of the problems radiating from the center of the euro zone.²⁵

²³ To give a sense of the importance of remittances in Western Balkan economies suffice to say that in 2010 they accounted for 16% of the GDP of Kosovo and 7% of the GDP of Montenegro, with all other countries in the region positioning themselves between these two extremes.

²⁴ This is the analysis of EBRD chief economist Erik Berglof, quoted in Veronika Gulyas and Gergo Racz, "EBRD Berglof: Euro Crisis May Cause Emerging Europe Credit Crunch." *DowJones* (May 18, 2012).

²⁵ Economist Intelligence Unit (2012).

Figure 3.1: Unemployment in Western Balkan countries.²⁶



The economic crisis exported from the euro zone has predictably led the worsening of what has traditionally been a central problem in Bosnia and other transition economies in the region, namely high unemployment. Udovicki and Knaus have described the current phase in the region as a 'Balkan unemployment crisis.'²⁷ The mix of economic stagnation and rising levels of unemployment has eroded public opinion's support for all those reformist policies that are sponsored by Brussels, and that would facilitate convergence towards the EU.

In Bosnia as elsewhere in the region, political patronage by powerful political leaders has helped ease some of the tensions deriving from this potentially

²⁶ Based on data from the World Bank, available at <http://data.worldbank.org/indicator/> [accessed 09.01.2014].

²⁷ Udovicki and Knaus (2012).

explosive situation. The role played by *Republika Srpska*'s President Milorad Dodik is a case in point. This phenomenon, however, has further entrenched a compromised system in which economic benefits are traded for political support, corruption is pervasive, and illegal economic activities are *de facto* tolerated.²⁸ In such a context, EU's emphasis on the rule of law and its insistence on the need for structural reform has become increasingly removed from the reality on the ground. More accurately – as it has been noted – it has become a 'sure recipe for breaking the already precarious balance within Bosnian society and to stir up latent social conflict.'²⁹

Europe's long period of crisis, in sum, has gradually eroded the very essence of the Europeanization narrative. Europeanization in Bosnia was based on the promise of modernization and convergence towards wealthy and consolidated countries of Western Europe. The crisis crucially undermined the credibility of such a promise.³⁰ Europe's political disengagement from Bosnia – epitomized by the emphasis on local ownership – has undermined the process of modernization. The effects of the economic crisis have directly undermined Bosnia's chances to converge towards the EU.

²⁸ Author's interview at the Regional Cooperation Council, Sarajevo, Bosnia and Herzegovina (April 25, 2012).

²⁹ Bechev (2012), p. 5.

³⁰ Algieri (2012).

2. The failure of conditionality in Bosnia:

The erosion of the Europeanization narrative

Bosnia's failure to converge towards the EU can be explained by focusing on circumstantial elements such as Europe's economic crisis, the enlargement fatigue, or the lack of resolute political leadership in Brussels. A more satisfying explanation, however, needs to take into account also the structural elements that made Brussels' Europeanization strategy in Bosnia a risky and challenging endeavor from the outset. Only by focusing on these structural elements we can convincingly account for Europe's decade-long struggle in Bosnia; for the failure of EU conditionality to act as a decisive driving force in Bosnia's uniquely complex transition; for the gradual loss of credibility of Europeanization and – ultimately – of the EU as a whole as a possible solution of Bosnia's problems.

In Chapter 1, we argued that success of Europeanization in applicant countries critically depends on a combination of factors – some pertaining to Europe's external governance, some to domestic strategies of adaptation. The likelihood of adoption of EU rules and regulation – therefore Europe's ability to transform applicant countries – depends on the determinacy and legitimacy of conditions, on the size and speed of rewards, on the credibility of threats and promises. The success of Europeanization, moreover, is co-determined by the

degree of identification of domestic elites with Europe, and by the size of adoption costs.³¹

In the case of Bosnia, unfortunately, none of these factors seems conducive to producing reform and convergence towards the EU. Let us analyze them in detail.

The *determinacy of conditions* refers to the clarity and formality of a rule the EU wishes the candidate country to adopt. Schimmelfennig and Sedelmeier posit that the clearer a rule is – and the more ‘legalized’ it is – the more likely a candidate country will adopt it.³² Due to Bosnia’s particular situation and to its nature as a post-conflict country, the EU has not only required more steps for accession than in any other enlargement round, but it has insisted on pushing through reforms that do not have a clear path, are essentially aleatory by nature, and entail a large degree of discretion when it comes to measuring progress.

In its criticism of Bosnia’s progress – for instance – the Commission’s 2009 Progress Report stated that it was the ‘deterioration of the domestic political climate,’ combined with local politicians’ ‘inflammatory rhetoric’ that was hindering progress on the path to integration.³³ The country, as a consequence, was asked to move towards a system of ‘consensus politics’ characterized by a ‘constructive inclusive dialogue’ of all groups involved.³⁴ It is obvious that such a requirement is intrinsically vague and largely discretionary. Furthermore, it poses an enormous

³¹ Schimmelfennig and Sedelmeier (2004).

³² Schimmelfennig and Sedelmeier (2004), p. 664.

³³ Available at http://ec.europa.eu/enlargement/pdf/key_documents/2009/ba_rapport_2009_en.pdf [accessed 09.01.2014].

³⁴ Vasilev (2011), p. 52.

challenge for a polarized post-conflict political system such as Bosnia's. The requirement of 'consensus politics' asks much more of Bosnian politicians than simply passing a few laws that harmonize domestic policies with EU policies. It demands a complete change in the way politics functions in post-war Bosnia. Needless to say, there is no clear path for forcing domestic politicians to work together in harmony. As a consequence, the lack of 'clarity and formality' of this kind of conditions tends to undermine their potential impact on the candidate country.

The indeterminacy of conditions also tends to affect their *legitimacy* in the eyes of local elites. Never before in the history of EU enlargement have conditions attempted the transformation of the very essence of domestic political dynamics as it has happened in Bosnia. Brussels' request that local leaders demonstrate that they are 'capable of engaging constructively with one another before their country is considered for promotion to the next stage of accession' can easily stir criticism about the application of 'double standards.'³⁵

The *size and speed of rewards* linked to the fulfillment of EU conditions has also been problematic in the case of Bosnia. According to the scholarly literature, we can expect that, the longer the time distance to the payment of rewards, the lower the incentive to quickly comply with EU conditions.³⁶ In Bosnia, both politicians and public opinion perceive EU membership as something uncertain and

³⁵ Vasilev (2011), p. 53.

³⁶ Schimmelfennig and Sedelmeier (2004), p. 665.

very distant in the future. Europe's enlargement fatigue, its internal crisis – coupled with Bosnia's incapacity to reform – make it difficult for anybody to realistically imagine Bosnia's integration happening in the short to medium term. The fact that EU membership is a far-off reward undermines the capacity of conditionality to decisively change Bosnian politicians' cost-benefit calculations. *Republika Srpska's* President Dodik clearly demonstrates this, when he nonchalantly notes that 'Bosnia has never been in the EU, so it can continue to not be in the EU for a few more years.'³⁷

The lack of *credibility of EU threats and promises* has also negatively affected Europe's capacity to have a decisive impact on Bosnia. The long history of EU's engagement in Bosnia, in fact, shows that Brussels has had trouble withholding rewards or punishing non-compliance.³⁸ The SAA, for instance, was signed in 2008 despite Bosnia's failure to reach a satisfactory agreement on police reform – the primary requirement the EU had been asking for.³⁹

Finally, veto players and *adoption costs* have played a role in bringing about the failure of EU conditionality in Bosnia. Due to the many layers of government provided for in the Dayton constitution, in fact, potential veto players abound. Highly polarizing conflicting interests make negotiations particularly difficult. Furthermore, hardline ethno-nationalist postures have proved extremely rewarding

³⁷ Author's interview with the President of *Republika Srpska* Milorad Dodik, Washington, DC (October 20, 2011).

³⁸ Tzifakis (2012).

³⁹ Mimisevic (2009); Aybet and Bieber (2011).

in electoral terms for politicians assuming them. Brussels has failed to convince Bosnian politicians that EU membership can be as attractive and rewarding as ethno-nationalism. From the perspective of local political leaders involved in the reform process – as a consequence – the value of EU membership has generally been perceived as lower than the value of maintaining the *status quo*.⁴⁰

3. The EU and the closure of the OHR:

The erosion of international solidarity in Bosnia

In the midst of Europe's economic crisis – and given the obvious impasse of the Europeanization agenda in Bosnia – Brussels decided to restructure and refocus its presence in the country. In September 2011, the office of the EUSR was formally separated from the OHR. The new Special Representative, Peter Sorensen, was also put at the helm of the EU Delegation in the attempt to increase the degree of coordination between Europe's local offices.⁴¹ Personnel were increased, reaffirming Brussels' commitment to Bosnia for the years to come. The EU Delegation in Sarajevo became the largest EU office anywhere in the world.

By reinforcing its presence in Bosnia, Europe reaffirmed its willingness to play a leading role among the international actors operating in the country. Furthermore, it offered its own solution for the highly damaging controversy on the closure of the OHR and the termination of the Bonn Powers that had divided the

⁴⁰ Dzihic and Wieser (2011).

⁴¹ Author's interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

international community for years. By reinforcing the EUSR and decoupling it from the OHR, the EU signaled its readiness to take full responsibility for Bosnia's stability and reform. It made clear its conviction that the international community did not need to retain any form of executive authority on Bosnia's domestic affairs. It affirmed once again – and against all evidence – its faith in conditionality as an engine of change.

The persistent friction within the international community over the right institutional tools and policy approach to prompt reform and favor modernization in Bosnia had to be solved – Europe's move in Bosnia seemed to suggest. The new, reinforced EUSR would play center stage in guiding Bosnia's transition and consolidation. The old OHR – as a consequence – could be finally closed.

Plans of terminating the OHR – that had been circulating for years – were resumed. As early as 2005, High Representative Christian Schwarz-Schilling had made clear that he planned the step-by-step reduction of the OHR, in the hope that it would completely dissolve by 2007.⁴² Disagreements among the countries represented in the PIC Steering Board, however, had blocked the reform and termination of the OHR. In 2010 the political equilibriums within the PIC suddenly shifted. Germany – that had long been balancing itself between the continuation of the mandate of the OHR and its closure – embraced the latter position. Chancellor

⁴² Mehmed Agovic, "Bosnia Herzegovina: High Commissioner Candidate Interview," *Radio Free Europe* (November 18, 2005).

Merkel inaugurated her second term with the explicit goal of closing the OHR.⁴³ As a consequence of Berlin's decision, all EU member states – with the notable exception of the UK – now agreed on the fact that the era of the OHR was over. The Bonn Powers – European member states argued – had gradually lost their legitimacy and were *de facto* useless. The OHR's failure to decisively propel Bosnia on the path of reform and modernization suggested that international executive authority no longer represented a suitable tool to deal with the complex transition of the country.⁴⁴ Europe's enhanced presence in Bosnia – coupled with the new, reinforced EUSR – would guarantee stability and facilitate reform in the country, while leaving the ownership of the process to the local political system.

Critics to this new approach abounded, both locally and internationally. Despite its early military disengagement from Bosnia, for instance, the U.S. had been nurturing a special relationship as the protector of the Muslim component of the Bosnian Federation. In this sense, it saw the closure of the OHR as a destabilizing development that would rob the international community of the only effective tool to protect Bosnia's unity against centrifugal forces always at work, particularly in the *Republika Srpska*. Similarly Turkey – who as of 2012 provided the second largest military contingent within the EUFOR Althea mission – saw the OHR as the only international forum that officially recognized its role in Bosnia.

⁴³ This shift in the position of the German government also reflected the appointment of liberal leader Guido Westerwelle as Foreign Minister.

⁴⁴ Author's interview at the Embassy of Italy, Sarajevo, Bosnia and Herzegovina (April 23, 2012), and at the Embassy of Germany, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

Without the executive power of the OHR – critics of Europe’s new strategy pointed out – the risk of worsening ethnic tensions and social unrest was bound to increase.⁴⁵ Bosnia’s deep economic crisis, in particular, called for the preservation of some form of international authority in the country. A clientelistic system in which political leaders buy support and, ultimately, peace by redistributing resources within their constituencies – observers noted – tends to lose stability in times of economic crisis.⁴⁶ Available resources become scarcer. Politicians have a harder time controlling their constituencies. The potential for social unrest and ethno-nationalist radicalization grows.⁴⁷

Bosnia’s volatile security and intrinsic fragility – critics of Europe’s plans to close the OHR pointed out – called for the continuation of the Bonn Powers as a deterrent to extreme ethno-nationalist policies. In this perspective, the Bonn Powers would play the role nuclear weapons played during the Cold War. Their presence – not their actual use – would act as an indispensable stabilizing factor for Bosnia. Deprived of its executive powers – critics concluded – the international community was bound to lose the single most important tool it had, capable of securing stability, and of giving serious impulse to the perpetually deadlocked local political system. Without the Bonn Powers, in sum, the international community ran the risk of becoming less and less relevant.⁴⁸

⁴⁵ Author’s interview at the Office of the High Representative, Sarajevo, Bosnia and Herzegovina (April 27, 2012) and at the Friedrich Ebert Foundation, Sarajevo, Bosnia and Herzegovina (April 22, 2012).

⁴⁶ Author’s interview at the World Bank, Sarajevo, Bosnia and Herzegovina (April 26, 2012). Bosnia’s public sector – the biggest in the region and in Europe – is a case in point.

⁴⁷ Azinovic, Bassuener and Weber (2011).

⁴⁸ Author’s interview at the Friedrich Ebert Foundation, Sarajevo, Bosnia and Herzegovina (April 22, 2012).

The dispute on the closure of the OHR tended to escalate rapidly, particularly among Western allies. Instead of working towards a compromise solution – possibly closing the OHR as a structure, while preserving the Bonn Powers as a means of last resort – Western allies engaged in an endless, unproductive controversy that ended damaging their overall influence in Bosnia. A long power struggle between Germany and the UK, in particular, poisoned the relations between the two countries and left a legacy of mutual hostility and resentment.⁴⁹ A prolonged arm wrestling ensued between the EUSR and OHR that pitted the two offices against each other, with endless cross-accusations and attempts at delegitimizing each other.⁵⁰

A visit by Catherine Ashton – EU’s foreign policy chief – to *Republika Srpska* on May 13, 2011 further exacerbated the conflict among Western allies. When *Republika Srpska*’s President Dodik called an unconstitutional referendum on the state judiciary, High Representative Valentin Inzko declared his willingness to use the Bonn Powers to forestall it. A vast majority of the countries represented on the PIC Steering Board supported Inzko’s resolve. Ashton’s decision to fly to Banja Luka to personally negotiate with Dodik, however, deliberately undermined the role of the OHR, stressing the willingness of newly formed EEAS, the European Commission and many EU member states to reassert Europe’s preeminence in Bosnia.⁵¹

⁴⁹ Author’s interview at the Embassy of Italy, Sarajevo, Bosnia and Herzegovina (April 23, 2012), and at the Embassy of Germany, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

⁵⁰ Author’s interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012) and at the Office of the High Representative, Sarajevo, Bosnia and Herzegovina (April 27, 2012).

⁵¹ See Matthew Brunwasser, “Bosnia Flounders as Powers Argue,” *International Herald Tribune* (June 28, 2011).

Finally, the attempt at closing the OHR failed. Its impact on the international presence in Bosnia, however, was huge. The OHR, weakened and immobilized, increasingly resembled an empty box. Countries (such as the Netherlands, Canada and Japan) that had been very active in the framework of the PIC Steering Board were sidelined. The U.S. – unwilling to antagonize the EU (or, more accurately, Germany) – avoided engaging too directly in the dispute, yet looked doubtful of the efficacy of the new, reinforced EUSR.⁵² Turkey found itself isolated and was drawn to pursue an increasingly independent role in Bosnia.⁵³

Locally, Bosnia's Serbs saw the controversy on the OHR as an opportunity to finally free themselves from international tutelage, and to further distance themselves from the Bosnian Federation. At the same time, Ashton's visit to Banja Luka was perceived as opening new doors to a direct dialogue between Brussels and the Serb entity.⁵⁴ Not surprisingly – as a consequence – Bosnia's Muslims looked at Europe's plan to replace the OHR with the new, reinforced EUSR with growing unease. When Europe announced that its police mission (EUPM) would be terminated on June 30, 2012 and that the stabilization military contingent of EUFOR Althea would be reduced to only 600 troops, local public opinion started wondering

⁵² Author's interview at the Center for Transatlantic Relations, Washington, DC (February 10, 2012).

⁵³ Turkey has been investing heavily in Bosnia over the past decade, it has opened a university in Sarajevo and has been trying to increase its influence in particular among Bosnia's Muslim population.

⁵⁴ See "Bosnia: Serb leader backs down on referendum under EU pressure," *Adnkronos International* (May 13, 2011).

whether or not Europe's 'reinforced presence' in Bosnia had actually any basis in fact.⁵⁵

4. The limits of Europe's reinforced presence:

The erosion of the transformative narrative

Europe's reinforced presence in Bosnia was complemented with a 'strategy document' that specified the terms of the mandate of the new EUSR. According to the document, the strategic priority of the new EUSR was to finally unblock the SAA process.⁵⁶ Signed in 2008, the SAA with Bosnia had not yet entered into force because of the country's failure to reform in several key sectors. Europe's new strategy document, now, identified three fundamental conditions that Bosnia had to meet before the SAA could be finally implemented: the adoption of a law on census, one on state aid, and 'credible effort' towards the solution – in accordance with the ruling of the European Court of Human Rights – of the long-standing Sejdic-Finci question.⁵⁷ In this framework, the EUSR had a special responsibility to 'advise,' 'assist,' 'facilitate,' 'monitor' and 'coordinate' Bosnia's reform process.⁵⁸

Viewed against the enormous challenges Bosnia faced in terms of reform and modernization, the three SAA conditions appeared to be very low benchmarks.

⁵⁵ EUFOR Althea deployed 7000 troops as it was first launched in 2004. The last reduction in size (to 600) took place in September 2012. See <http://www.euforbih.org/> [accessed 09.01.2014].

⁵⁶ Council Decision 2011/426/CFSP (July 18, 2011).

⁵⁷ The Court found in 2009 that the Dayton Constitution – reserving the post of President of Bosnia and Herzegovina to citizens of one of the main ethnic groups (Bosniak, Serb and Croat) – was in violation of the European Convention on Human Rights.

⁵⁸ Council Decision 2011/426/CFSP (July 18, 2011).

Europe's new approach to the reform of Bosnia – it was clear from the very outset – would be minimalistic. The new, reinforced EUSR was to keep an unprecedentedly low profile in Bosnia's politics. A law on census simply enabled the collection of a series of statistical data that were a technical precondition for the country's integration into the EU. A state aid law created the basic mechanisms to administer public resources, including those coming from the EU. The implementation of the Sejdic-Finci ruling, finally, was externally imposed on the EU by the Court's ruling.

The new agenda – officials with the EUSR pointed out – aimed at taking into better account the difficult reality of Bosnia's complex transition, and of Europe's internal crisis.⁵⁹ A more minimalistic approach, moreover, aimed to solve some of the biggest problems the application of conditionality had encountered in Bosnia, such as the indeterminacy of conditions presented to the applicant country. By focusing its agenda on few, easily identifiable targets, the EU would be able to impact Bosnia's complex reality more in depth, finally managing to set the process of reform back in motion. The attempt at radically transforming Bosnia – be it by direct intervention in domestic politics through the OHR or by resorting to a more invasive use of political conditionality – was *de facto* abandoned. A new, more humble approach quickly emerged.

After the failure of the Butmir negotiations on constitutional reform back in 2009, grand plans of comprehensive transformation of Dayton institutions were abandoned. Europe – it was noted at the office of the EUSR – does not have a

⁵⁹ Author's interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

template that applicant countries have to follow when it comes to constitutional reform. Constitutional issues are not contemplated in the *acquis communautaire*.⁶⁰ As a consequence, the EU needed to take a back seat in the process of constitutional reform. It could act as a facilitator in the constitutional process, assisting with the dialogue on reform. By no means, however, could it replace Bosnian politics. Some form of constitutional change was needed in Bosnia as in any other applicant country – EU officials in Bosnia pointed out – if only to ensure the primacy of EU legislation on national legislation.⁶¹ Reform, however, would be dealt with as the need arises, not as a crucial precondition for progress towards the enforcement of the SAA.

Instead of focusing on the strengthening of state institutions, the EUSR started engaging directly lower levels of authority in the implementation of the EU agenda.⁶² The Dayton constitution reserves to the Bosnian state a mere power of coordination on most issues – officials with the EUSR pointed out. Real authority in the Dayton system rests with the entities, the cantons and other local institutions.⁶³ In order to push through an agenda of reform and keep the SAA process moving, therefore, the EUSR had to focus more and more on establishing a fruitful cooperation with the entities.

Starting in 2012, IPA funds were disbursed and administered through commissions in which the central government sat together with entities and

⁶⁰ Author's interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

⁶¹ Author's interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

⁶² Author's interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012). See also Kappler (2012).

⁶³ Author's interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

cantons.⁶⁴ In the same perspective, the EUSR dropped Europe's traditional emphasis on the creation of a single statewide legislation in selected strategic sectors – a strategy that had been previously seen as conducive to the consolidation of state institutions and to the effectiveness of Bosnia as a whole. Following its new, more minimalistic approach, the EUSR now started pushing for the harmonization of existing laws in different parts of the country.⁶⁵

A case in point is Bosnia's agricultural policy. Starting in 2005 – when Croatia had formally started accession talks – the EU had been telling the government in Bosnia that substantial institutional and legislative reform was needed in the agricultural sector. In the absence of such reform – EU officials had been warning – Bosnia risked losing access to the market of its northern neighbor, once Croatia joined the Union. Europe's demands for the rationalization and consolidation of Bosnia's agricultural sector – now – were suddenly dropped. The creation of a state-level ministry of agriculture replacing the seven authorities currently in charge of the sector disappeared from Europe's agenda.⁶⁶ The plan to radically transform Bosnia's agriculture in order to favor convergence towards European standards was quickly forgotten. Europe's new incremental approach acknowledged Bosnia's nature as a multi-layered structure of authority and tried to work within the system instead of changing it.

⁶⁴ Author's interview at the Federal Ministry of EU Integration, Sarajevo, Bosnia and Herzegovina (April 25, 2012).

⁶⁵ Author's interview at the Federal Ministry of EU Integration, Sarajevo, Bosnia and Herzegovina (April 25, 2012).

⁶⁶ Author's interview at the Federal Ministry of EU Integration, Sarajevo, Bosnia and Herzegovina (April 25, 2012).

New mechanisms of coordination among entities were launched, that involved political and party leaders at the highest level. The so-called Structured Dialogue on the Judicial Sector (SDJS) – for instance – was launched in 2011, after Ashton’s visit to *Republika Srpska*. In June 2012 – similarly – was launched the High Level Dialogue on the Accession Process (HLDAP). Both initiatives aimed at engaging Bosnian leaders in a more constructive relationship, working with the entities to create new outlets for dialogue, thus eventually leading to incremental change.

Arguably, moreover, these new coordination mechanisms were riddled with major structural flaws that put their very usefulness into question. Their outcomes – needless to say – were often problematic.⁶⁷ First of all, the new EU-sponsored ‘structured dialogues’ – by lifting the debate on integration from the level of bureaucrats to that of party leaders – implicitly acknowledged Bosnia’s oligarchical political structure. With the ‘structured dialogues,’ therefore, the process of EU integration was left in the hands of top local politicians, who could use it for their personal and political interest. Secondly, Europe’s new emphasis on the ‘structured dialogues’ had a largely extra-institutional character, as these new mechanisms had no roots in the formal procedures of EU integration. Consequently, discretion and political opportunism were *de facto* integrated in the enlargement process – a process that (as noted above) needs some degree of formality and legalization in order to have a transformational effect on candidate countries.

⁶⁷ Bassuener and Weber (2013).

Given that the ‘structured dialogues’ lie outside the formal accession process, their deliberations tended to amount to little more than a rhetoric exercise. In a June 2012 meeting of the HLDAP – for instance – Bosnia’s leaders jointly adopted a roadmap for EU accession, setting a November 2012 deadline for fulfilling all three preliminary conditions required by the EU to put into force the SAA.⁶⁸ When that deadline came and went without any measurable progress, the EU could do nothing more than set a new deadline and hope for a future agreement.

On the one hand, *Republika Srpska* typically showed little willingness to coordinate with the Federation. On the other hand, the government of the Federation pushed to give full responsibility in matters of European interest to the central state.⁶⁹ As a consequence the inter-entity dialogue remained difficult and, often, unproductive.

The fact that inter-entity coordination sometimes worked, moreover, did not necessarily mean that Europe’s new strategy was effective. The case of the crisis on IPA funds in 2011 illustrates this point. In the summer of 2011, the government of *Republika Srpska* objected to a number of IPA-funded projects that were to be financed at the level of the central state. Fearing the empowerment of central institutions, therefore, Banja Luka threatened to block the whole annual programming of IPA funds for Bosnia. The cost of such a move would have

⁶⁸ Author’s interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

⁶⁹ ‘EU accession – Joseph and Hitchner (2008) point out – is not fully neutral; rather, by encouraging more concentration of power at the center, it inherently favor Bosniak interest (sometimes shared by Croats) to make the central state operational. Axiomatically, this facet of the EU accession process also threatens stated Serb interest of preserving maximal autonomy for their entity.’

amounted to 96 million euros in pre-accession funds.⁷⁰ The European Commission decided to concede to Banja Luka's blackmail. It extended the deadline for the disbursement of funds and called on the parties to sort the situation out. Finally, an agreement was reached between Dodik and its counterpart in the Federation – SPD leader Zlatko Lagumdžija. All state-level projects were cancelled and replaced with a number of additional projects managed at the entity level.⁷¹ In the end – in sum – coordination between entities resulted in a loss in resources and legitimacy for the central state and in the collapse of statewide mechanisms of planning and disbursement of EU funds. More importantly, it validated ethno-nationalist entity leaders such as Dodik in their belief that policies are best implemented at the entity level, that the central government is little more than a useless superstructure, and that Bosnia can be divided *de facto* (if not *de jure*) through a continuous war of attrition with state-wide institutions.

5. Lowering the standards:

The erosion of Europe's credibility

Starting in January 2013, Europe's political pressure on Bosnia seemed on the rise again. A solution of the long-standing Sejdic-Finci question had to be found before the October 2014 general election – Enlargement Commissioner Stefan Füle

⁷⁰ Author's interview at the Regional Cooperation Council, Sarajevo, Bosnia and Herzegovina (April 25, 2012).

⁷¹ Author's interview at the Democratization Policy Council, Sarajevo, Bosnia and Herzegovina (April 22, 2012).

warned.⁷² The very legitimacy of the election, otherwise, would be questionable. On April 8, Commissioner Füle officially declared that Bosnia's path towards European integration had stalled.⁷³ In a statement published jointly with the Secretary General of the Council of Europe, he voiced Europe's 'deep regret' at the country's lack of progress, warning that the impasse on Sejdic-Finci would mean that Bosnia would be stalled on its European path until at least after the 2014 election.⁷⁴

Rather than presenting a new, more effective strategy to prompt Bosnia's reform, however, Füle's declarations seemed to signal Europe's increasing desperation. Once again, the only direct sanction of the failure to comply with Brussels' conditions was a stop in the process of integration, a process that – given Europe's internal crisis – carried very little credibility in its own right. The Commissioner's claim that – in the absence of reform on the Sejdic-Finci issue – elected officials would be considered by the EU as illegitimate represented more an outburst of personal frustration than actual willingness to strengthen conditionality on the implementation of the SAA.

As of 2013, Europe's credibility to the eyes of local leaders had been weakened by years of discretionary application of conditionality, and of gradual lowering of the standards.⁷⁵ As early as 2008 the EU had decided to sign the SAA despite the collapse of police reform – a reform that had been previously presented as an unavoidable prerequisite to the signing of the agreement.⁷⁶ By doing this,

⁷² Joint Füle- Jagland statement (April 8, 2013) available at http://europa.eu/rapid/press-release_MEMO-13-316_en.htm [accessed 09.01.2014]

⁷³ Joint Füle- Jagland statement (April 8, 2013).

⁷⁴ Author's interview with the EU Delegation, Sarajevo, Bosnia and Herzegovina (June 10, 2013).

⁷⁵ Domm (2011).

⁷⁶ Tolksdorf (2014).

Brussels had essentially turned substantial benchmarks into mere declarations of intent – and failure to comply into a calculated risk without serious consequences.⁷⁷ In 2012, again, Europe had accepted Bosnia's reform on State Aid and Census despite the obvious shortcomings of the legislation. Over time, therefore, Bosnian politicians had grown accustomed to toying with conditionality. Europe – the Commission first of all – needed to show that its strategy was delivering measurable progress. After all, enlargement was the only real Common Foreign Security process: the Commission was in desperate need to validate its role by showing progress. As a consequence, it was permeable to Bosnian politicians' blackmail.

The unfortunate precedents quickly summarized above explain why Füle's new hard line had a very limited impact on Bosnia's political system. Intensified negotiations on Sejdic-Finci with the leaders of the seven largest parties proved an exercise in futility. The EUSR presented for the first time its own solution for the constitutional problem.⁷⁸ At the same time, it denied authorship of such a proposal, reaffirming its role as a mere facilitator and coordinator of the dialogue. Negotiations were carried out opaquely, thus giving rise to considerable speculation and alarm on the press.⁷⁹ In the end, no agreement was reached, the Sejdic-Finci question remained open, the SAA did not come into force, general elections were regularly held in October 2014, and Europe's threats proved once again irrelevant.

⁷⁷ See http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-other/default.asp?content_id=40959 [accessed 09.01.2014].

⁷⁸ Author's interview with the EU Delegation, Sarajevo, Bosnia and Herzegovina (June 10, 2013).

⁷⁹ Author's interview with the Democratization Policy Council, Sarajevo, Bosnia and Herzegovina (June 11, 2013).

Europe's ability to decisively influence the developments in Bosnia seemed lost. After visa liberalization was granted in 2010 – officers with the EUSR admitted – there was little left for Brussels to offer short of full membership in the European club.⁸⁰ And – since further enlargement was not on the agenda in the short term – the incentives to comply with EU conditionality had totally vanished.

The notion that EU conditionality is capable of transforming a country such as Bosnia – officers at the EUSR admitted – retained some currency in Brussels; in Sarajevo, however, the limits of Europe's process-driven strategy had become more and more apparent.⁸¹ The disconnect between the process and its outcome had become untenable.⁸² The mismatch between long-term rationale of the accession process and short-term needs of the country had become obvious.

The international community – internally divided by the struggle on the OHR and increasingly unfocused on Bosnia's matters – seemed to have lost the stabilizing power it used to have. Europe – despite its reinforced presence – seemed unwilling or unable to take the initiative. In February 2014, violent demonstrations broke out in the northern town of Tuzla, quickly spreading to the capital Sarajevo. Demanding the government's resignation over accusation of corruption, protesters showed that the potential for social unrest in the country remained high. Implicitly, moreover, the demonstrations questioned the validity of Europe's overall strategy in Bosnia.⁸³ For years, the EU had been pursuing its enlargement agenda focusing its resources

⁸⁰ Author's interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

⁸¹ Author's interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

⁸² Bieber (2011).

⁸³ Weber and Bassuener (2014).

on technical – if admittedly important – issues such as census, state aid and minority rights. As a consequence, it had largely neglected the severe impact the economic crisis was having in a fragile post-conflict environment such as Bosnia.

With unemployment well above 40 percent, an impoverished population and dramatically underdeveloped infrastructures, Europe's emphasis on the process and strategy of enlargement was self-defeating.⁸⁴ While Brussels focused on establishing its reinforced presence, the economic crisis was imposing such costs to the population that any realistic prospects of membership could be lost for at least a generation.⁸⁵ The bureaucratic struggle on the OHR had diverted Europe's attention from the reality on the ground. Endless internal bickering about posture, institutional tools, structures and responsibilities, finally, had undermined the role of the international community as a whole in Bosnia.⁸⁶ Europe's shift to local ownership of the reform process, finally, had foundered against Bosnia's complex post-conflict reality. To think that a highly polarized political system characterized by chronic lack of trust among ethnic groups and by the absence of a shared sense of the country's future would somehow find a way to take responsibility for its own transformation was a gamble.⁸⁷ To think that it would do so in the absence of strong external pressure was pure wishful thinking. Arguably, a more prescriptive approach on the part of the EU – and, finally, a stricter application of conditionality –

⁸⁴ Bosnia's economic and social crisis would be further exacerbated by a devastating flood that, in May 2014, displaced thousands of citizens and destroyed key infrastructures and property. The damages inflicted by the flood are estimated at 2 billion euros, roughly 15 percent of annual GDP.

⁸⁵ Author's interview with the World Bank, Washington, DC (June 20, 2013). The already precarious state of Bosnia's infrastructures was further compromised by a destructive flood in May 2014.

⁸⁶ Author's interview with the Democratization Policy Council, Sarajevo, Bosnia and Herzegovina (June 11, 2013).

⁸⁷ See Joseph and Hitchner (2008); Whitt (2010).

would have carried better results.⁸⁸ Local ownership might be a good approach in the context of a consolidated, self-sustaining state. In a divided country with a cumbersome constitutional setting such as Dayton Bosnia, however, it proved a recipe for paralysis.

The crucial decision that the EU was facing in Bosnia – the February 2014 demonstrations seemed to once again suggest to officials and policy-makers in Brussels and Sarajevo – was as old as Europe’s engagement in the country. Either Europe made a serious, credible commitment to the integration of Bosnia, or it decided that its main goal there was the preservation of an acceptable level of domestic stability and international security. Seen in 2014, both aims looked perfectly legitimate, yet they required different strategies. What did not look as a convincing strategy was what the EU had been doing for years, namely to keep enlargement as its strategic goal, while leaving final responsibility for the success of such a strategy to local actors who proved on countless occasions to be unwilling or unable to cooperate.

6. From transformation to development:

Europe’s retreating ambitions and Bosnia’s uncertain future

Given the protracted political deadlock in and over Bosnia, a growing number of analysts and policy-makers have been tempted to conclude that the

⁸⁸ Author’s interview at the World Bank, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

situation in the country presents no possible solution. This discomfoting realization, in turn, has provided a convenient alibi, an excuse for inaction, or for sticking to policies that have proven themselves ineffective in the past. It is to its credit, therefore, that the EU found the strength for yet another strategy shift, in the attempt to refocus its energies on the immediate needs of the country in times of deep economic crisis.

In 2013, European officials started voicing Brussels' intention of gradually shifting their focus on economic and social issues. In 2014, Bussels started to concretely implement this new approach by launching a series of technical and high-level meetings between officials from the EU, Germany, Austria, France and Bosnia. In July 2014, finally, the EUSR publicly presented the 'Compact for Growth,' a package comprising a series of quickly implementable socio-economic reforms that – according to all experts – are necessary to overhaul and strengthen Bosnia's fragile economic and social base.⁸⁹ The bulk of the reforms included in the 'Compact for Growth' – in fact – had been under consideration for years in various forms. No government, however, had had the political strength to deal with them, as the costs in electoral terms had always been considered too high.

Local and international experts seem to agree that this new European approach is promising.⁹⁰ For it to work, nonetheless, the EU would need to solve some of the major issues that prevented its strategy from working in the past, offering more substantial economic and financial inducements, and committing to a

⁸⁹ Available at <http://europa.ba/News.aspx?newsid=7261&lang=EN> [accessed on 09.01.2014].

⁹⁰ "Bosnia Approaches Polls with More Fear Than Hope," *Balkan Insight* (October 10, 2014).

stronger engagement in the political sphere – something that, given Europe’s current internal crisis, seems unlikely. The international community, moreover, would need to show cohesiveness on the policies it wants to pursue in Bosnia – something that, after the bitter confrontation on the OHR, cannot be taken for granted. While the U.S. still publicly supports Europe’s leading role in Bosnia, for instance, American diplomats privately voice concerns that Brussels’ technocratic approach is bound to fail again in Bosnia’s cumbersome, multi-layered political system.⁹¹ European officials point out that the U.S. is still playing with the idea of reforming the Dayton constitution.⁹² Rumors have been circulating that the U.S. may be working on a new proposal for constitutional reform.⁹³ ‘It is clear – a European diplomat was quoted saying – that any new initiative for a constitutional reform will simply fail and will give local leaders a new motive to spend another four years doing nothing.’⁹⁴

The structural problems that have undermined Europe’s attempts to reform and modernize post-war Bosnia are still there. The attempt at catering more attentively to the primary needs of Bosnia’s impoverished population – commendable as it is – cannot replace a strategy for helping Bosnia address the systemic problems that have prevented it from consolidating and developing into a self-sustaining, viable democracy.

⁹¹ Author’s interview with senior U.S. diplomat, Washington, DC (June 22, 2013).

⁹² Author’s interview with the EU Delegation, Sarajevo, Bosnia and Herzegovina (June 10, 2013).

⁹³ “Bosnia Approaches Polls with More Fear Than Hope,” *Balkan Insight* (October 10, 2014).

⁹⁴ Quoted in “Bosnia Approaches Polls with More Fear Than Hope,” *Balkan Insight* (October 10, 2014).

Recent developments, unfortunately, do not look promising. Europe has hardly represented an issue during the 2014 national electoral campaign in Bosnia. The Commission's new, discomfiting progress report – released only days before the election – has barely represented a topic for discussion for Bosnia's campaigning leaders.⁹⁵ As far as rhetoric goes, every political force in Bosnia favors EU accession: nobody, however, seems willing to seriously engage on how to proceed on that path.⁹⁶

Ethno-nationalist, largely autocratic parties have once again claimed electoral victory. Bakir Izetbegovic's Party of Democratic Action among Muslims, Dragan Covic's Croatian Democratic Union among the Croats and, once again, Dodik's Alliance of Independent Social Democrats among the Serbs will play center stage in Bosnia's politics in the next four years.⁹⁷ These will be the unlikely counterparts that will be called to find viable solutions for Bosnia's enormous challenges.

Twenty years of uninterrupted presence – and a number of failed plans and strategies – has left the international community as unfocused and divided as ever. At its center, the EU has been long fighting to strengthen its presence, forcefully reclaiming its leading role. After two decades – as a consequence – it cannot avoid the blame for the failure of the international community.

⁹⁵ Available at http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-bosnia-and-herzegovina-progress-report_en.pdf [accessed 11.10.2014].

⁹⁶ Florian Bieber, "Elections in Bosnia: Business as Usual?" *Balkan Insight* (October 15, 2014).

⁹⁷ Dodik's party lost considerable support, yet the leader managed to be reelected President of *Republika Srpska*.

As this study has summarized, Europe has failed when – at the times of the double-hatted OHR/EUSR – it attempted Bosnia's transformation combining the push of the Bonn Powers with the pull of political conditionality. It became almost immediately clear that the two mechanisms were clashing against each other, undermining each other's efficacy.

Secondly, it has failed when – phasing out the executive authority of the OHR – it has focused on conditionality as the only institutional mechanism capable of transforming (Europeanizing) Bosnia. The application to a post-conflict reality such as Bosnia of instruments developed to deal with post-communist transition in the CEECs has proved an exercise in futility. In the medium term, political determination has wavered, discretion has increased in the enforcement of rules, and the whole process has been discredited as a consequence.

Finally – and unsurprisingly – the EU has failed when it attempted an even softer approach, leaving the transformation of Bosnia in the hands of the local political system, and masking its incapacity (or unwillingness) to act under the emphasis on domestic ownership. By doing so, Europe has become hostage of local politicians' opportunistic behavior, taking active part in a surreal role-playing game that has robbed it of what little credibility it had left.

Needless to say, success is measured against the backdrop of one's expectations. Therefore, if Europe's purpose in Bosnia was to secure a reasonable degree of regional stability and security – preventing the country from sliding back into violence and conflict – then Brussels' strategy could be seen as extremely

successful. In the past twenty years, also thanks to the presence of- and influence exerted by the EU, Bosnia has enjoyed acceptable levels of stability and security. Granted, no closure has been found yet on the sensitive issue of personal and collective responsibilities in the war. Relations between entities and ethnic groups remain tense. Ethno-nationalist parties still dictate – to a large extent – the agenda of domestic politics. The country, moreover, is a transit point for drug and people trafficking, a base for organized crime and some apparently low-level terrorist link.⁹⁸ Political violence, nonetheless, has been forestalled and the kind of destructive energy that characterized Bosnian politics in the early 1990s is no longer there today.⁹⁹ The relative stability and security achieved in Bosnia, however, can hardly be read as a success for Brussels. Since the early 2000s, in fact, the Union's explicitly stated goal has been enlargement. In the past twenty years, accordingly, Europe has put its own credibility on the line over the integration of Bosnia. The country today represents a disquieting black hole in the heart of Europe – an 'unfinished business' that calls for a long-overdue solution.¹⁰⁰

⁹⁸ UNODC (2008);

⁹⁹ Author's interview at the World Bank, Sarajevo, Bosnia and Herzegovina (April 26, 2012).

¹⁰⁰ See Dzihic and Hamilton (2012).

Chapter 4

Transforming Kosovo: Building a quasi-state

We are trying to build a transitional country out of a non-country [...]

I've been sent to do an impossible task.¹

The hurry to bring Kosovo into technical alignment with EU standards

has raised expectations far beyond actual performance,

and also Kosovo's capacity to deliver results

even where real and visible efforts are being made.²

Kosovo is the youngest and the poorest country in Europe. Its sovereignty and legitimacy are contested both domestically and internationally. It depends on the international community for political stability, economic assistance and military security. Without external support, the young country cannot possibly sustain itself. The EU has emerged – after a difficult and confused process – as the pre-eminent

¹ Bernard Kouchner, first Special Representative of the UN Secretary-General in Kosovo (December 1999); quoted in Cohen (2007), p. 240.

² UNDP (2011), p. 80.

international actor in Kosovo. For political and strategic reasons, it has a vested interest in the long-term stabilization and socio-economic development of the small country. Consequently, it has engaged in an ambitious dual strategy of state building and European integration. In doing so, Brussels has put its own credibility on the line.

Kosovo, however, presented the EU with an unprecedented challenge. Because of its contested sovereignty, in fact, Kosovo could not be formally started off on its path towards EU membership. The institutional tools specifically created to manage the complex transition in the Western Balkans – the regional approach first, then the SAP – showed their limits when dealing with a contested state. Europe's ambiguities and inconsistencies when it came to crucial issues such as the international status of Kosovo weakened its role and limited its impact. The traditional strategy followed by the EU to stabilize and transform its surroundings – crucially based on membership conditionality – proved *de facto* inapplicable in the absence of credible prospects of enlargement. The attempt to transform Kosovo by means of a 'fake Europeanization' – thus employing usual pre-accession tools, yet stopping short of EU membership – gradually discredited the Union and led to the rise of a strong popular movement demanding the reshaping of Europe's role in Kosovo.

In the absence of the political perspective provided by enlargement, Europe's presence in Kosovo was increasingly perceived as an international protectorate. The EU proved incapable to take final responsibility for Kosovo domestic affairs. Its

presence, however, prevented local actors from assuming such responsibility.³ In such a problematic framework, a viable and honorable exit strategy for the EU seemed increasingly difficult to imagine.

This chapter tells the story of Europe's engagement in Kosovo from NATO's military intervention, to supervised independence, to independent – yet contested – statehood. It examines the complex legal and political framework in which Europe's mission was established and, subsequently, carried out. It explains the implications of the dispute on the status issue – the central source of Europe's incapacity to project its influence effectively and cohesively. It notes how – in the absence of a common position on status – Europe's decade-long engagement in Kosovo failed to deliver that transformative effect that many had been hoping for, finally resulting in disillusionment and frustration both in Pristina and in Brussels.

Similarly to what has been argued above discussing the case of Bosnia, this chapter argues that post-conflict, highly polarized Kosovo presented a daunting challenge for Europe's transformative power. The outcome of the process and the description of the current situation will be the subject of next chapter. The present chapter lays the foundations of our understanding of this uniquely complex case.

³ Chandler (2006). Yannis (2002), p. 257 points out that – beyond their flaws and shortcomings – international protectorates established in the Western Balkans in the 1990s filled a critical need in the area of post-conflict stabilization and peace enforcement.

1. Learning from Bosnia:

The origins of Europe's presence in Kosovo

When violence erupted in Kosovo between the forces of the FRY and the Kosovo Liberation Army (KLA) early in 1998, the precedent of Bosnia was vivid in the eyes and minds of European leaders and policy-makers.⁴ Europe's incapacity to react promptly and resolutely to the outbreak of inter-ethnic violence in Bosnia had become evidence of a collective failure. It had undermined from the very beginning the credibility of the EU. It had shown the world that Europe's capacity to deal with security threats remained limited despite Brussels' attempts at enhancing capabilities and coordination mechanisms. Kosovo could become the catalyst of a new, more assertive European role in foreign affairs. By playing a central role in the resolution of the crisis in Kosovo, the EU – then in the process of adopting the new single currency – could prove to be more than a mere economic giant. As German sociologist Ulrich Beck noted at the time:

Kosovo could be our military euro, creating a political and defense identity for the European Union in the same way as the euro is the expression of economic and financial integration.⁵

⁴ On the role of KLA, see Ozerdem (2003).

⁵ Ulrich Beck, "Crisis in the Balkans: In Uniting Over Kosovo, a New Sense of Identity," *The New York Times* (April 28, 1999).

A new generation of center-left leaders – Tony Blair in the UK, Gerhard Schröder and Joschka Fischer in Germany, Lionel Jospin in France, Massimo D'Alema in Italy – had recently come to power and was eager to establish its credentials in foreign policy. Europe's new Left needed to forestall the repetition of what had happened only a few years earlier, when a stream of gruesome images from war-torn Bosnia had flooded Western Europe's mass media.⁶ Furthermore, a new massive wave of refugees had to be stopped before it reached once again Western Europe's streets. 'Never again war, never again Auschwitz' – German Foreign Minister Fischer famously warned.⁷ Europe's historic responsibility to stabilize the Western Balkans once and for all combined – in the minds of the leaders of the new Left – with the need to mobilize domestic constituencies that seemed skeptical about a potential new military engagement in the region.⁸

Europe played a major role in trying to replicate in Kosovo the same kind of coercive diplomacy that had proved effective in bringing an end to the conflict in Bosnia. Mixing forceful diplomacy and military threat, Western diplomats tried to impose an agreement between the parties in conflict. Following the precedent of the Dayton Accords in 1995, Serb and Albanian delegates were summoned in the castle of Rambouillet in France early in 1999. There, they were told they had two weeks to agree on the details of a peace plan that had been developed by U.S. mediator Christopher Hill. In the meantime, NATO increased its military

⁶ On the role of the media, see Hammond and Herman (2000).

⁷ Speech by Joschka Fischer at the German Green Party Congress in Bielefeld (May 13, 1999), quoted in Rathgeb (2005), p. 416.

⁸ Petersen (2011).

preparedness in order to give substance to Western political pressures. UN Secretary General declared that the use of force to stop internal conflict, 'particularly against the wishes of the government of a sovereign state,' might be contemplated in the case of Kosovo, particularly in the light of the recent experience in Bosnia.⁹ In the words of NATO Secretary General Javier Solana, Western coercive diplomacy aimed at reaching

a political settlement [...] which will provide an enhanced status for Kosovo, preserve the territorial integrity of the Federal Republic of Yugoslavia, and protect the rights of all ethnic groups.¹⁰

Failure to agree on the terms presented them in Rambouillet would confront the parties in conflict with the consequences of their actions. For Serbia this meant the certainty of a military attack. For Kosovo Albanians, it meant the loss of critical Western support.¹¹

Differently from what had happened in Dayton, however, coercive diplomacy in Rambouillet failed to deliver an agreement between the parties.¹² Violence on the ground escalated. The Western alliance decided to intervene militarily, launching *Operation Allied Force* (OAF) on March 24, 1999. European leaders faced up to their

⁹ Statement by UN Secretary General Kofi Annan in Brussels (January 28, 1999); available at <http://www.nato.int/docu/speech/1999/s990128a.htm> [accessed 10.01.2014].

¹⁰ NATO Press Release (99)11 (January 28, 1999); available at <http://www.nato.int/DOCU/pr/1999/p99-011e.htm> [accessed 10.01.2014].

¹¹ Weller (1999).

¹² Bellamy (2000).

domestic public opinions and joined in NATO's air strike campaign on the FRY. The objectives of OAF were clearly stated by British Prime Minister Tony Blair:

A verifiable cessation of all combat activities and killings; the withdrawal of Serb military, police and paramilitary forces from Kosovo; the deployment of an international military force; the return of all refugees and unimpeded access for humanitarian aid; and a political framework for Kosovo building on the Rambouillet accords.¹³

Yet NATO's bombings unleashed further inter-ethnic violence, rather than stopping it.¹⁴ While the West – determined to put no boots on the ground – bombed from the sky, innumerable atrocities against civilians were committed on both the Serb and the Albanian side.¹⁵ All of a sudden, the Rambouillet agenda – trying to strike a difficult balance between the right of territorial integrity of the FRY and the demands of self-government coming from the Kosovo Albanian population – seemed irremediably outdated. In a context of heated inter-ethnic tension, growing secessionist pressure and extreme uncertainty, Western leaders were called to act quickly and resolutely to provide stability for Kosovo. Spreading violence in the province – as a matter of fact – had a direct impact on the precarious ethnic equilibriums that had been reached with great difficulty in the wider Balkan region.

¹³ Tony Blair, *Prime Minister's Speech: Doctrine of the International Community at the Economic Club, Chicago* (April 24, 1999); <http://www.number10.gov.uk/output/Page1297.asp> [accessed 10.01.2014].

¹⁴ Mandelbaum (1999); O'Loughlin and Kolosov (2002).

¹⁵ See Chomsky (1999); Daalder and O'Hanlon (2000); Booth (2001); Waller, Drezov and Gokay (2001); Kuperman (2008).

Two models of intervention were available for Western policy-makers faced with the problem of post-conflict stabilization in Kosovo. A first option was for the international community to play the role of a 'helping hand,' assisting local authorities in the creation of viable and effective institutions that would facilitate and sustain political and socio-economic development. This model assumed the presence of a credible local government and provided for the division of executive power between existing local authorities and international administrators. Alternatively, the international community could implement a 'trusteeship' model, in which international officials had final executive authority, directly guiding Kosovo's institutional, political and socio-economic development.¹⁶

The strategy adopted in Kosovo was shaped by the lessons learned in Bosnia. The 'helping hand' approach had failed in that country – it was noted at the time. The international community had been forced to empower the OHR with direct executive authority in order to try to secure stability and unclog the stagnating reality of post-war Bosnia. The 'trusteeship' model – as a consequence – was selected as the best model to deal with yet another post-conflict stabilization in the region.¹⁷

The international community agreed on the passing of UN Security Council Resolution (UNSCR) 1244, which *de facto* placed Kosovo under direct international tutelage. The United Nations Interim Administration in Kosovo (UNMIK) was created, and entrusted with the task of promoting substantial autonomy and self-

¹⁶ Fearon and Laitin (2004); Chandler (2006); Recchia (2007).

¹⁷ International Crisis Group (1999), pp. 2-3.

government in Kosovo; carrying out basic civilian administration; organizing the establishment of democratic institutions; supporting the reconstruction of infrastructure; supporting the provision of humanitarian aid; maintaining law and order; protecting and promoting human rights; assuring the safe return of refugees.¹⁸ Local actors were expected to work alongside international administrators, but UNMIK could act unilaterally when officials deemed it necessary. In addition, the transitional administration would prepare the way for ‘a final settlement’ of the question of the legal status of Kosovo.¹⁹

At the head of UNMIK, the new Special Representative of the UN Secretary-General (SRSG) was assigned a central role in the institutional and political system of the province. The SRSG was granted ‘full authority to ensure that the rights and interests of the [different ethnic] communities [were] fully protected.’²⁰ This included the power to dissolve the elected parliamentary assembly and call for new elections, final authority to decide economic and monetary policies and to appoint judges and prosecutors. Just as the Bonn Powers had empowered the OHR – making it the propulsive force with the potential of removing all the obstructions that clogged Bosnia’s domestic institutions – so UNSCR 1244 made the SRSG the central

¹⁸ UNSCR 1244 (1999), Paragraph 10. Along the same line, the conclusions of a G8 meeting in May 1999 wished for ‘a political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia.’ See UNSCR 1244 (1999), Annexe 1. See also Betts *et al.* (2001); Strohmeyer (2001).

¹⁹ UNSCR 1244 (1999), Paragraph 11.

²⁰ UNMIK, *On a Constitutional Framework for Provisional Self-Government in Kosovo*, UNMIK/REG/2001/9, chapter 8(1a); available at <http://www.unmikonline.org/regulations/2001/reg09-01.htm> [10.01.2014]. See Yannis (2004).

authority in Kosovo, endowed with pervasive direct legislative and executive powers.

To a large extent, in sum, the institutional model developed in Bosnia was thus to a large extent replicated in Kosovo. Its implementation – unsurprisingly – presented the international community with a number of problems that had already surfaced in Bosnia – problems that were intrinsic to the attempt at prompting institutional and democratic consolidation through the use of external executive powers.²¹ From a cultural point of view, international actors were confronted with the challenging task of radically transforming local political culture, inculcating and enforcing foreign values and norms.²² From a political point of view, international actors tended to replace local representative authorities, effectively undermining the legitimacy of elected officials and preventing the development of local political leadership. From an institutional point of view, they found themselves creating and enforcing institutions, which were alien to the local society.²³ In 2001 – for instance – SRSG Hans Hakkerup signed into law the new framework constitution, introducing a proportional representation system despite a lack of consensus among local authorities.²⁴

²¹ Yannis (2001).

²² On this issue, Claus Offe notes that ‘copied and transplanted institutions that lack the moral and cultural infrastructure on which the ‘original’ can rely are likely to yield very different and often counter-intentional results.’ Quoted in Sztompka (1996), p. 125.

²³ Huntington (1968) argues that political institutions can cohere with society only if they emerge from endogenous social forces, if they represent real interests and real clashes of interests that are meaningful to local society.

²⁴ Tansey (2009), p. 157. See also Taylor (2005).

As it had happened in the case of Bosnia, Kosovo quickly developed a ‘culture of dependency’ on the presence of the international community.²⁵ By taking direct responsibility for providing security and stability and fostering socio-economic development, international actors *de facto* set the domestic political agenda. Their presence caused a ‘substitution effect’ that crowded out local capabilities and made real democratic consolidation virtually impossible.²⁶

As it had happened in the case of Bosnia, a strong link was established between UNMIK and what quickly emerged as the single most important international donor and the main actor for long-term stabilization in Kosovo, namely the EU. A series of European diplomats was appointed as SRSG, thus stressing the central role the EU was expected – and determined – to play in the province.²⁷ Differently from what had happened in Bosnia, however, the offices of the EU representative in Kosovo and that of the SRSG remained institutionally and personally separated. While in Bosnia the double-hatted OHR/EUSR allowed for coordination between the two offices, institutional arrangements in Kosovo were more complicated. Russia – which had traditionally acted as the protector of Serb interests – was determined to keep the international mission in Kosovo under direct control of the UN Security Council (UNSC). While favoring EU leadership in Kosovo with respect to post-conflict reconstruction, political stabilization and socio-

²⁵ Recchia (2007). See also Mac Ginty (2011); Keranen (2013).

²⁶ Fukuyama (2004). See also Caplan (2004); Richmond and Franks (2009).

²⁷ At the head of UNMIK have been appointed: Bernard Kouchner, France (1999-2001); Hans Haekkerup, Denmark (2001); Michael Steiner, Germany (2002-2003); Harri Holkeri, Finland (2003-2004); Søren Jessen-Petersen, Denmark (2004-2006); Joachim Rucker, Germany (2006-2008); Lamberto Zannier, Italy (2008-2011). In 2011 for the first time a non-European – Afghan diplomat Farid Zarif – was appointed (see below).

economic development, Moscow was determined to preserve its influence in the region through direct control on the final status issue, which UNSCR 1244 had left open for future negotiations.

The EU in Kosovo, therefore, found itself in a complex, hybrid situation. It did not actually govern the province, since the international mission was firmly kept in the framework of the UN. Nonetheless, its preeminence was acknowledged and actively promoted by both the U.S. – whose interest in Kosovo quickly vanished in the aftermath of September 11, 2001 – and the UN itself, which encouraged regional organizations, the EU first of all, to play an increasingly central role in the province.

Militarily, European countries were asked to gradually but steadily increase their commitment in the framework of NATO's Kosovo Force (KFOR), providing stability and security in the province, apprehending war criminals, guaranteeing public order, facilitating the return of displaced people and targeting organized crime.²⁸

Economically, the EU was expected to present Kosovo with a long-term strategy that – as it had already happened in the case of Bosnia – would gradually shift from humanitarian relief and post-conflict reconstruction to socio-economic development, institutional reform and regional integration. Brussels fully committed itself to this new effort, engaging in what scholar Elizabeth Pond defines as the 'purest test of the capacity of outsiders to transform a static, paternalistic,

²⁸ As of October 2014, 4,500 troops were deployed in the framework of KFOR; among these, 3,143 come from EU countries, and 734 from the U.S; see http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2014_10/20141014_141013-KFOR-Placemat-final.pdf [accessed 11.10.2014].

agrarian society into a functioning new state.’²⁹ Between 1999 and 2008, in this perspective, the Union and its members earmarked 2.7 billion euros for Kosovo’s recovery and reform.³⁰

Strategically, the EU was called to provide a long-term political perspective for both FRY (later Serbia) and Kosovo, allowing for ethnic reconciliation and facilitating bilateral dialogue on the status issue. As we have already noted discussing the case of Bosnia in Chapter 2, a strategy of regional and European integration capable of drawing the whole Western Balkans towards EU membership was seen as the most effective strategy to de-potentiate the final status issue. Europe’s mix of open borders and shared sovereignty – it was argued – had the potential to render the very problem of Kosovo’s final status meaningless.

Enlargement, in sum, emerged as Europe’s inevitable choice, its single most reliable institutional tool to facilitate political change and provide long-term stability in the whole region.³¹ The Stability Pact for Southeast Europe was launched by the EU in 1999, laying down for the first time a comprehensive approach to regional stabilization, and presenting local actors with the perspective of full integration into European institutions.³² In 2003, the Thessaloniki Agenda officially opened the doors of European membership to all Balkan countries.³³

²⁹ Pond (2006), p. 99.

³⁰ Source: European Commission, data available at http://ec.europa.eu/enlargement/instruments/overview/index_en.htm [accessed 10.01.2014].

³¹ Belloni (2009).

³² European Council, *Common Position (CFSP) Concerning a Stability Pact for South-Eastern Europe*, 1999/345/CFSP (May 28, 1999). The Stability Pact was officially adopted in Cologne on June 10, 1999.

³³ European Commission (2003).

With UNMIK experiencing increasing difficulties finding a compromise between Albanians' claims for political representations and Serbs' refusal to acknowledge the *de facto* separation from Serbia, the process of EU enlargement promised to diffuse tensions and offer a shared future to mutually mistrusting ethnic groups. The Europeanization of the Kosovo issue was fully backed by the U.S. government, as Undersecretary of State for Political Affairs R. Nicholas Burns pointed out in front of the House Committee on International Relations in 2005: 'We and our allies are entering a new stage in our policy towards the Balkans, one that will accelerate the region's integration into the European family and Euro-Atlantic institutions.'³⁴ Similarly, the UN urged the EU to step up in its commitment in Kosovo. The EU had to further increase its activities – noted UN Special Envoy Kai Eide in a 2005 report on the progress in the province – playing 'the most prominent role' in providing stability, socio-economic and political development. A EU mission had to gradually replace UNMIK. A clear road map for the integration of both Kosovo and Serbia into European and Atlantic institutions had to be laid out as soon as possible. In the absence of a clear political perspective for the whole region, in fact, inter-ethnic tensions were bound to re-emerge.³⁵

³⁴ Quoted in Sletzinger and Gelazis (2005).

³⁵ See 'Annex to the Letter Dated 7 October 2005 from the Secretary-General Addressed to the President of the Security Council,' *UN Security Council Documents*, S/2005/635 (October 7, 2005).

2. The split on the legal status:

Which state are we building in Kosovo?

The diffusion of inter-ethnic conflict in Kosovo through EU enlargement presented a specific problem. In order to start off both Serbia and Kosovo on their way to EU membership, the issue of the final legal status of the province had to be tackled and solved. In the words of Jacques Rupnik, it was hardly imaginable for the EU 'to engage in state building, without deciding which state is being built.'³⁶

UNSCR 1244 left the question of the legal status of Kosovo open to negotiations between the parties. In May 2001 UNMIK – entrusted with the task of preparing the way for the final settlement of the question – officially adopted the policy of 'standards before status.' Eight key areas were identified in which progress had to be made before opening talks on the final status.³⁷ In order to determine the exact actions to be undertaken and when the standards were achieved, a Kosovo Standard Implementation Plan was presented in March 2004.³⁸ The underlying principle was that Kosovo needed to acquire a certain level of 'political maturity' before the question of independence versus integration could be resolved.³⁹

³⁶ Rupnik (2007).

³⁷ Among the conditions were: the existence of effective, representative and functioning democratic institutions; the enforcement of the rule of law; unimpeded return of refugees; the creation of a sound market economy.

³⁸ UNMIK (2004).

³⁹ Søbjerger (2006).

The policy of ‘standards before status,’ however, tended to frustrate domestic actors by leaving the control of the political agenda firmly in the hands of UNMIK.⁴⁰ Elected officials were forced into a difficult ‘cohabitation’ with international administrators. UNMIK and elected local leaders increasingly engaged in a game in which neither assumed responsibility, and each blamed the other for the lack of progress on the path towards the creation of effective democratic institutions, a functioning market economy and a real multi-ethnic society.⁴¹ Critics noted how ‘standards before status’ was often used to defer the status question indefinitely, legitimizing at the same time the continuation of the international administration.⁴²

Dissatisfaction and resentment towards UNMIK and KFOR mounted. Among Kosovo Albanians, pressure for independent statehood grew. Conversely, Kosovo Serbs strengthened their political and economic ties with Serbia.⁴³ The strategy adopted by the international community to deal with (or – more accurately – to evade) the status issue tended to result in further entrenchment of the ethnic division on the ground. Debilitated by both its own internal strains and a lack of clarity about what kind of endgame it should promote, UNMIK found it difficult to effectively mobilize support for dynamic economic recovery and intergroup reconciliation. This context made it almost impossible to attract foreign investment and caused efforts at privatization to move at an excruciatingly slow pace.⁴⁴ With international attention increasingly fixed on Afghanistan and Iraq, moreover,

⁴⁰ Knoll (2005).

⁴¹ Surroi (2011).

⁴² International Crisis Group (2003), p. 16. See also Kristensen (2006).

⁴³ In 2004, for instance, more than 60 percent of all cash income in northern Mitrovica came from salaries and social transfers paid by the government in Belgrade – approximately 1.6 million euros per month. See European Stability Initiative (2004), p. 6.

⁴⁴ Cohen (2007).

interest in the Balkans tended to dwindle and the discomfiting developments in Kosovo passed largely unnoticed.

International attention was drawn to Kosovo once again when – in March 2004 – riots broke out that killed 19 people, injured 900 and displaced 3,600.⁴⁵ Mounting popular frustration at the policy of ‘standards before status’ climaxed. For the first time in the history of contemporary Western Balkans, popular hostility and violence targeted also representatives and symbols of the international community, UNMIK and KFOR in particular.⁴⁶

As a consequence of the riots, UNMIK’s ability to administrate was greatly diminished, while the very credibility of the UN was seriously damaged.⁴⁷ The international community was thus forced to re-assess and re-focus its overall strategy for in Kosovo. As Veton Surroi pointed out at the time: ‘A policy died [in March 2004] and it took human lives in the most tragic way. It was a policy that involved a confrontation between UNMIK and the Kosovars over the transfer of powers.’⁴⁸ Pressed by the deteriorating of the situation on the ground, UN Secretary General Kofi Annan decided to formally start negotiations on the status issue.

A UN report drafted by Norwegian diplomat Kai Eide bluntly stated that the policy of standards before status had lost any credibility, becoming ‘untenable.’ ‘In the current situation in Kosovo – the report warned – we can no longer avoid the

⁴⁵ Ker-Lindsay (2009), p. 20.

⁴⁶ Glenny (2004), pp. 87-88.

⁴⁷ Economides and Ker-Lindsay (2010).

⁴⁸ See Institute of War and Peace Reporting (March 22, 2004).

bigger picture and defer the most difficult issues to an indefinite future.’⁴⁹ In terms of administrative capabilities – a report by the UN Development Program (UNDP) echoed – Kosovo was ready for independence.⁵⁰ The UN needed to make preparations in view of a ‘gradual reduction of its presence to be accompanied by a parallel increase in the EU and a continuation of the OSCE presences.’

The EU, unfortunately, looked uncertain about the role it wanted to play in Kosovo. High Representative Solana routinely re-stated Brussels’ commitment in the Western Balkans, noting that this, ‘more than any other region in the world, is a European responsibility.’⁵¹ The Union, nonetheless, was divided. Prime Minister of the Czech Republic Jiri Paroubek – on the one hand – openly advocated partition of Kosovo along ethnic lines, thus setting the tone of a heated internal controversy. ‘The northern part of the region will belong to Serbia, the majority of the southern part can be given the status of an independent nation’ – he explained.⁵² Italy, Spain and Greece – on the other hand – voiced their concerns about Kosovo’s independence. Spain was particularly worried that Kosovo could establish a precedent that could be used by the Basque and Catalan separatist movements.⁵³ Italy and Greece – that in 1997 had led the international ‘Operation Alba’ in Albania – feared that an independent Kosovo could easily fail, causing a new flow of refugees towards Albania.⁵⁴

⁴⁹ UNSC, S/2004/932 (November 30, 2004).

⁵⁰ UNDP (2005), p. 8.

⁵¹ Solana’s interview with Radio-Television Kosovo (September 26, 2005). Quoted in Cohen (2007), p. 255.

⁵² Mark Beunderman, “EU divided over future status of Kosovo.” *EUobserver* (November 29, 2005).

⁵³ Borgen (2010).

⁵⁴ On Operation Alba, see Greco (1998).

Despite Europe's uncertainties, however, the process originated from the riots of March 2004 carried on. Finnish diplomat Martti Ahtisaari was appointed as UN Special Envoy for the talks on Kosovo's final status. Moreover, a Contact Group of countries was established to serve as a controlling body in the negotiations.⁵⁵ By March 2007, a report by Special Envoy Ahtisaari on the final legal status of Kosovo was submitted to the UNSC. The so-called Ahtisaari Plan explicitly called for Kosovo's 'independence, supervised by the international community,' urging the UN to resolve the status issue unilaterally in case of a failure of the negotiations between the parties.⁵⁶ Importantly, the plan proposed that UNMIK should disband, with the EU stepping in to take the lead.

The Ahtisaari Plan was based on three components. The first component was the establishment of a new Office of the International Civilian Representative (ICR), tasked with supervising the activity of Kosovo's political and administrative institutions. The ICR would also act as EUSR – thus closely resembling Bosnia's OHR/EUSR. The ICR/EUSR would retain direct control over justice and security, would be granted the power to annul decisions or laws adopted by elected authorities and sanction or remove public officials.⁵⁷ A second component of the 'international supervision' of Kosovo was a ESDP mission, which would be deployed to monitor, mentor and advice on all areas related to the rule of law. The third component, finally, was the continuation of KFOR, which would go on providing for

⁵⁵ Members of the Contact Group were: France, Germany, Italy, the United Kingdom, the United States and Russia.

⁵⁶ United Nations (2007).

⁵⁷ United Nations (2007), Annex IX.

military stability and security.⁵⁸ The Ahtisaari Plan openly called the EU to escalate its commitment in Kosovo, strengthening its international leadership and assuming new direct responsibilities in state- and institution building. Implicitly – therefore – it encouraged Europe’s leaders to finally open a serious discussion, and to eventually identify a common position on the status issue. It was clear, in fact, that state building could only succeed after the EU had finally decided, which state it would set out to build.

The proposal of moving Kosovo towards supervised independence started a diplomatic firestorm that polarized and divided the international community.⁵⁹ On one front, the U.S. decidedly supported independence. As President George W. Bush argued during a visit to Albania: ‘At some point in time, sooner rather than later, you’ve got to say enough is enough, Kosovo is independent. And that’s the position we’ve taken.’⁶⁰ On the opposite front, Russia plainly rejected the idea of independent Kosovo, threatening to veto the endorsement of the Ahtisaari Plan at the UNSC.⁶¹ Europe was divided internally. A meeting of EU Foreign Ministers held in Bremen in March 2007 failed to reach a common position. The UK, France and Germany – which held the rotating presidency at the time – announced their support for the plan. A number of member states concerned by minority issues – on the contrary – saw independent statehood as a dangerous legal precedent with

⁵⁸ United Nations (2007), Annex X, XI.

⁵⁹ Weller (2008).

⁶⁰ U.S. Office of Press Secretary (2007).

⁶¹ As Russia Foreign Minister Sergey Lavrov argued after a meeting with EU officials, any solution for Kosovo had to be decided by the ‘Serbian people’ and those who believed that it could be solved by the EU, the U.S. and Russia were burdened by ‘colonial instincts.’ Quoted in “EU-Russian Talks End in Acrimony,” *BBC News* (May 18, 2007).

possible direct effects on their domestic stability.⁶² Slovak Foreign Minister Jan Kubis argued that the EU should take into account the 'legitimate interests' of both Belgrade and Pristina. Spanish Minister of European Affairs pointed out that Kosovo's independence could lead to separatism elsewhere in Europe.

EU Commissioner for Enlargement Olli Rehn and High Representative for Foreign and Security Policy Solana urged the EU to adopt a joint position for the sake of the Union's international influence.⁶³ 'If we want to stabilize Kosovo, there is no alternative but to establish a state' – officials in Brussels pointed out.⁶⁴ After all, independent statehood would stabilize the domestic situation in Kosovo, creating a sovereign equality between Kosovo and Serbia, and facilitating the integration of both countries into the EU.⁶⁵ All of a sudden, fear spread among European policy-makers that the EU would jeopardize its credibility and legitimacy in the eyes of Kosovo's 90 percent Albanian majority, if it failed to recognize their right to independence.⁶⁶ In Brussels, however, no consensus could be reached. Spain, Greece, Cyprus, Romania and Slovakia resisted Brussels' calls for unity and obstinately rejected the idea of recognizing Kosovo as a sovereign state.⁶⁷

⁶² "EU Splinter Group Emerges on Kosovo," *EUobserver* (April 1, 2007). On the subject, see also Borgen (2010); Fawn (2008); Richter and Halbach (2009).

⁶³ "Unrest in Kosovo, Transfer Predicted," *Financial Times* (March 28, 2007); "MEPs Debate EU Foreign Policy for 2007 with Solana," *European Parliament Press Service* (March 29, 2007).

⁶⁴ Quoted in Dan Bilefski, and Stephen Castle, "EU Proposal Lays Out Steps on Kosovo Independence," *The New York Times* (November 12, 2007).

⁶⁵ Coppieters (2008), p. 99.

⁶⁶ "Germany Warns on Vacuum if EU Wavers on Kosovo," *Reuters* (January 9, 2008).

⁶⁷ For an analysis of the positions of the five countries opposing recognition, see Kosovo Foundation for Open Society and British Council (2012).

Once again the spasms of Yugoslav succession revealed the limits of EU's capacity to act as a strategic actor in foreign policy. The Union's internal contradictions frustrated its ambitions to gain full control on the political dynamics at work in its immediate periphery. The reactive nature of EU foreign policy was once again emphasized. Lack of consensus among member states undermined Europe's ability to influence the developments on the ground. Instead of taking control of what had been recognized by the UN as a primarily European issue, the EU allowed the U.S. and Russia to determine the agenda of Kosovo's independence.

When – on February 14, 2008 – Kosovo unilaterally declared independence from Serbia, the majority of European member states were left with little alternative but to take the pragmatic (and mostly reluctant) decision to recognize Kosovo as a sovereign state as the only way to preserve stability on the ground.⁶⁸ Spain's Minister for Europe, Alberto Navarro, could only voice Europe's impotence when he commented: 'I am really frustrated that the future of Kosovo has been decided in Washington and to some extent in Moscow, and not in Europe.'⁶⁹

⁶⁸ On Kosovo's right to secede, see Dietrich (2010), Hannum (2011); De Villiers (2012). All EU members agreed with the U.S. on the fact that Kosovo's independence did not set a precedent for any other situation. US Secretary of State Condoleezza Rice pointed out: 'The unusual combination of factors found in the Kosovo situation – including the context of Yugoslavia's breakup, the history of ethnic cleansing and crimes against civilians in Kosovo, and the extended period of UN administration – are not found elsewhere and therefore make Kosovo a special case.' On the European side, British Ambassador to the UN John Sawers argued that 'the unique circumstances of the violent break-up of the former Yugoslavia and the unprecedented UN administration of Kosovo make this a sui generis case, which creates no wider precedent, as all EU member States today agreed.' See "U.S. Recognizes Kosovo as Independent State" – US Department of State Press Release (February 18, 2008); "Ban Ki-Moon Urges Restraint By All Sides After Kosovo Declares Independence," *United Nations News Center* (February 18, 2008).

⁶⁹ Quoted in "EU Splits on Kosovo Recognition," *BBC News* (February 18, 2008).

As a consequence of its inability to agree on the status issue, the EU was confronted with the actual risk of losing credibility and influence. It therefore pressed ahead with the establishment of the new ICR/EUSR, and with the deployment of its rule of law mission, named EULEX. By doing so, it pointed out that – beyond the rift on the recognition issue – its capability to act on the ground remained unimpaired. The legal framework in which the EU mission would take place, however, was confused.

The UNSC failed to endorse the Ahtisaari Plan due to Russia's opposition. Moscow, moreover, declared its readiness to veto any attempt to terminate UNMIK.⁷⁰ As a consequence, the UN mission in Kosovo was asked to continue to function until the UNSC decided otherwise. At the same time the new government in Pristina voluntarily invited the EU to supervise independence.⁷¹ The EU was asked to play an 'enhanced operational role' in Kosovo, leading the efforts of the international community in the new state. Both missions – the UN and the EU – would follow a policy of strict neutrality on the status issue. As a consequence of Kosovo's declaration of independence, in sum, ICR/EUSR and EULEX would gradually take the lead in the international community's efforts at state- and institution building. The question of which state they would build, however, was once again left unanswered.

⁷⁰ UNSC, *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/2008/692 (November 24, 2008).

⁷¹ See Pond (2008).

The following table shows the different international players active in independent Kosovo and their respective key tasks during the phase of ‘supervised independence.’

Table 4.1: International agencies operating in Kosovo.

Name of Agency	Key Tasks
UNMIK	Implements UNSCR 1244. Oversees the development of institutions enabling ‘democratic and autonomous self-government.’
KFOR	Monitors security situation on the ground. Ensures public order. Takes direct action in the fight against organized crime.
EULEX Kosovo	Monitors, mentors and advises local authorities, ensures public order, fights corruption and organized crime. It has executive powers in the police and judicial fields.
ICR/EUSR	Ensures full implementation of status settlement. Supports European integration. Advises government and local authorities.
EU Commission	Delivers financial aid. Monitors progress and compliance with EU standards. Issues annual reports on the situation in the country.
OSCE	Implements measures aimed at confidence and security building. Monitors elections. Implements human rights and fosters civil society development and education reform.
UNHCR	Coordinates the return of refugees and internally displaced persons.

3. Kosovo's 'stateness problem' and the EU:

Political conditionality in a quasi-state

The deployment of ICR/EUSR and EULEX – together with the continuation of UNMIK – created a dysfunctional situation in which international actors were forced into an uncomfortable coexistence side by side. Fragmentation and competition among different, often overlapping agencies caused considerable confusion. The power struggle among international actors opened a leadership vacuum that further entrenched the ethnic division between Albanian and Serb communities.⁷² Kosovo Serbs refused to recognize the unilateral declaration of independence, challenging the authority and legitimacy of ICR/EUSR and EULEX. Kosovo Albanians plainly rejected UN supervision on their new sovereign state.⁷³ They considered UNMIK as a relic from the past and refused its authority.

In October 2011, widespread popular resistance to the extension of EULEX to Northern Kosovo showed how a *de facto* partition between Serb-populated areas in the north and the rest of the newly independent state was in the making. The government in Pristina, together with ICR/EUSR and EULEX, called the shots in the south. The Serbian government and UNMIK ruled in the north.⁷⁴

⁷² Tansey and Zaum (2009); Clark (2014).

⁷³ As former UNMIK's head Lamberto Zannier noted, 'attempts to impose my legal authority are simply not heeded by the Kosovo Albanian majority, which now sees the Constitution of Kosovo as the fundamental document from which legal authority derives.' See UNSC, *Minutes of the 5944th Meeting of the UNSC, S/PV.5944* (July 25, 2008), p. 2.

⁷⁴ Economides (2011); Clark (2014).

Similarly to what we argued about Bosnia in Chapter 2, also independent Kosovo seemed to suffer from what Linz and Stepan define as a 'stateness problem.'⁷⁵ The territorial boundaries of the political community were contested. Loyalty to state institutions remained low – actually non-existent in part of the territory. The ethnic cleavage remained the decisive factor in domestic politics. Democratic consolidation – under such circumstances – remained beyond reach. Yet the situation in Kosovo differed from that in Bosnia in one, important respect. In Bosnia, the deep ethnic cleavage and the post-conflict dynamics permanently crystallized in the Dayton constitution tended to prevent real democratic consolidation. Its right to independent statehood, however, was never questioned.⁷⁶ While Bosnia enjoyed full international sovereignty – one would argue following Stephen Krasner's categorization – the effective exercise of its domestic sovereignty was problematic.⁷⁷ Kosovo's existence as a legitimate state, on the contrary, was questioned both domestically and internationally. Disagreements on the territorial boundaries of the new state abounded both within the domestic polity and in the international community. Kosovo's 'stateness problem,' therefore, had a dual dimension – its sovereignty was challenged both domestically and internationally.

The different nature of the 'stateness problem' in Bosnia and Kosovo had a direct impact on the relationship they were able to establish with the EU. Bosnia was easily recognized as a full contractual partner. As early as 1999, therefore, it

⁷⁵ Linz and Stepan (1996).

⁷⁶ In 1991, the Badinter Commission had decided that the former frontiers between the republics federated in the dissolving FRY would be protected under international law as the new frontiers between independent states. See Pellet (1992).

⁷⁷ Krasner (1999).

was presented with clear – if distant – prospects of membership in the European club. Discretionary use of conditionality and lack of political leadership – we argued in previous chapters – tended to undermine the effectiveness of Brussels' Europeanization strategy. Over the years Europe's enlargement strategy clashed against Bosnia's cumbersome institutions and tightly locked political system, ultimately failing to decisively move the country towards reform, modernization and accession. Europe's attempt at member state building – as a consequence – failed. Bosnia – nonetheless – presented at least the necessary preconditions for the enlargement process to start. In the case of Kosovo, on the contrary, the international dimension of the 'stateness problem' made it impossible for the EU to recognize the newly independent state as a legitimate, full contractual partner. Formally, therefore, the EU was in no position to use membership as an inducement to drive Kosovo on its path to democratization and consolidation. Even the preliminary steps on the road to accession – such as the signing of a SAA – were formally impossible because of the opposition of five member states who refused to recognize Kosovo as a sovereign state.

This does not mean that European integration in Kosovo never started, or could not proceed. As we argued in Chapter 3, over the past twenty years the whole Western Balkans has been undergoing a process of integration into the European space in economic, political and strategic terms. Furthermore, Kosovo in 2008 was such a long way from meeting even the most basic requirements for formal EU integration, that it was easy for Brussels to defer a solution to the status issue to a distant future, and to focus – for the time being – on more pressing problems such as

democratization and the establishment of the rule of law.⁷⁸ 'The absence of an agreed position on Kosovo's status does not prevent the EU from substantial engagement in Kosovo' – the Commission decidedly pointed out.⁷⁹ The problem of Kosovo's status, nonetheless, was poised to endanger the credibility and effectiveness of Europe's strategy. Conditionality – in the absence of the enticement of membership – could be deprived of crucial incentives. EU policies – in the absence of a definite perspective – could easily lose both consistency and drive. The role of the EU in the country – in the absence of strong political legitimization – could be increasingly perceived as that of an intrusive colonial power, rather than that of a partner in democratization, modernization and consolidation.

4. Faking Europeanization:

Ambiguity as a strategy in Kosovo

In her analysis of Europe's foreign policy capabilities, Karen Smith points out that 'the EU is not always able to translate presence into "actorness," that is, the ability to function actively and deliberately in relations to other actors in the international system.'⁸⁰ Similarly, Hanns Maull explains that 'a truly common foreign and security policy [...] requires that national and European policies be effectively aligned around the same objectives, and that all the available resources

⁷⁸ Ker-Lindsey (2012).

⁷⁹ 'Kosovo: Fulfilling its European Perspective,' *Communication from the Commission to the European Parliament and the Council*, Brussels (October 14, 2009) COM(2009) 5343.

⁸⁰ Smith (2008), p. 25. See also Papadimitriou *et al.* (2007).

[...] be channeled into their realization.’⁸¹ It does not come as a surprise, therefore, that the unresolved status issue represented a major hindrance to Europe’s internal cohesion. Europe’s ability to function effectively and to assert itself as a central actor in the process of reform and modernization of the young country – as a consequence – were predictably undermined.⁸²

A first test for Europe’s ability to dodge around the status issue presented itself even before Kosovo’s declaration of independence and affected Brussels’ preparations for the launch of the new ICR/EUSR and EULEX missions. Informal requests of increasing Europe’s presence in Kosovo had been circulating for years. As early as 2006, Brussels had agreed to start planning an enhanced post-status mission. Unfortunately, however, internal disagreements on the status issue stopped the actual planning until after the Ahtisaari Plan was presented. Finally, it was only the realization that Kosovo – strongly backed by the U.S. – would declare independence with or without EU support what forced Europe to act.⁸³ Only then did EU member states agree to separate the decision on the EU mission from the status issue. Since the very beginning, in sum, Europe’s mission in Kosovo was marred by disagreements on the status issue. In order to maintain its credibility, Europe was finally forced to take responsibility for the biggest mission in its history.

⁸¹ Maull (2005), p. 791.

⁸² See Papadimitriou and Petrov (2012).

⁸³ Council Joint Action 2008/123/CFSP (February 4, 2008) appointing a European Union Special Representative in Kosovo. Council Joint Action 2008/124/CFSP (February 4, 2008) on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO.

In the absence of a common position on status, however, preparations were carried out reluctantly and without the necessary political legitimacy.

The new mission was soon confronted with the paradoxes inherent in Europe's position. Following a controversial suggestion included in the Ahtisaari Plan, the newly established office of the ICR was tied to the EUSR. The ICR was tasked with overseeing the establishment of Kosovo's new institutions, and was naturally a strong advocate of independence. The EUSR – quite the opposite – had to stick to a strictly status-neutral position.⁸⁴ As a consequence, the double-hatted holder of the post Pieter Feith was forced to continuously switch between roles – pointing out at each press conference in what capacity he was making each statement. Needless to say, the dysfunctional combination of ICR and EUSR – resolved only in 2011, when the two offices were finally separated – prevented the consolidation of the authority and credibility of both institutions in the eyes of Kosovo's public opinion and political leaders.

The status issue affected Europe's effectiveness and credibility in many more ways. Brussels, for instance, was in no position to formally open a EU Delegation in Kosovo. As a consequence, Europe's presence was limited to an unusually generic European Union Liaison Office to Kosovo that – while performing most duties of a EU Delegation – lacked the authority and visibility usually associated with it.⁸⁵

Similarly, the status issue affected the consolidation of the EULEX mission, which was launched to improve the effectiveness, sustainability and standards of

⁸⁴ Ker-Lindsay and Economides (2012), p. 83.

⁸⁵ Gross and Rotta (2011).

Kosovo's rule of law institutions. Although most of the work EULEX was expected to perform was of a technical nature, in fact, the lack of strong political legitimization by the EU undermined its chances of being taken seriously by local officials and politicians.⁸⁶ As a consequence, when EULEX tackled sensitive areas of its mission – such as investigations on war crimes or organized crime cases – it found itself particularly exposed to criticism and resistance from local political system and interest groups.

Europe's lack of unity on the status issue impacted the credibility of its mission in the eyes of other international players operating in the country. Coordination with the U.S., for instance, was made particularly difficult by Europe's inability to find a cohesive and robust voice on Kosovo. For the authorities in Pristina – as a consequence – it was easy to take advantage of the divergences within the international community. The U.S. – who retained a strong influence in Kosovo from the times of NATO's intervention – offered advice on important issues such as border management, police and judiciary reform. Often, therefore, it seemed to compete with, rather than complement Brussels' strategy.⁸⁷ Lack of coordination with Washington, in sum, undermined Europe's attempts to establish itself as a credible actor in the eyes of Kosovo's policy-makers and public opinion. The lack of a credible enlargement strategy deprived the EU of its more effective incentive in its attempt to secure a guiding role in Kosovo's reform and modernization.

⁸⁶ Greicevci (2011); Cadier (2011). On the inherently political nature of rule of law initiatives, see Peterson (2010).

⁸⁷ Gross and Rotta (2011), p. 7. See also Dursun-Ozkanca (2010).

Europe's strategy – focusing on the technical aspects of its mission while dodging around the status problem – was therefore problematic from the onset. Brussels tried to give substance to its role in Kosovo by adapting the traditional institutional tools of Europeanization to a situation in which enlargement was not realistically foreseeable. Kosovo was invited to participate in the SAP through an *ad hoc* institutional mechanism – the Stabilization Tracking Mechanism. Access to European development funds was secured through the IPA, the CARDS program and the Instrument for Stability, which disbursed roughly 560 million euros in the period 2008-2013.⁸⁸ Over the years, the EU coordinated several international donor conferences raising finances for Kosovo. At the same time, it played a central role in securing investment and trade for the small country.⁸⁹ Finally, the EU quickly turned over to local actors more competences and accountability than UNMIK ever did, trying to foster Kosovar 'ownership' of the political process. Kosovo – High Representative Catherine Ashton pointed out – received 'more effort and money than any other place in the world per capita.'⁹⁰

Neither money, nor devolution of power, however, could compensate for the lack of a long-term political perspective for Kosovo. Without credible prospects of membership, the transformative power of EU conditionality failed to materialize. Europeanization stalled in its early stages. Political change remained slow, issues

⁸⁸ Source: European Commission, data available at http://ec.europa.eu/enlargement/instruments/overview/index_en.htm [accessed 10.01.2014].

⁸⁹ Roughly 50 percent of Kosovo's FDI originates within the EU, which accounts for 11 percent of Kosovo's GDP through exports, and over 50 percent through imports.

⁹⁰ Quoted in Augustin Palokaj: "Looking for the EU in the Balkans," *EUobserver* (February 22, 2010).

such as continuing ethnic segregation, freedom of movement, property rights of the internally displaced population, booming organized crime and pervasive political corruption remained major problems in the newly independent country.⁹¹ Representative institutions remained fragile and democratic consolidation incomplete. As it had already happened in 2005 – when elected Prime Minister Ramush Haradinaj was charged by the ICTY with 37 counts of war crimes committed during the 1990s – a 2010 report of the Council of Europe accused new Prime Minister Hashim Thaci of ties with trafficking in human body parts during and after the 1999 war.⁹² Published in the immediate aftermath of the December 2010 general election, the report undermined the credibility to the whole electoral process. A period of political turbulence ensued that was only made worse by the publication of leaked NATO documents highlighting Thaci's ties with organized crime.⁹³ Thaci's commitment to democratic values came once again under scrutiny in February 2011, when he actively sponsored the election of construction tycoon Bexhet Pacolli as the country's new President, disregarding proper constitutional procedures. After the Constitutional Court ruled that the election was illegitimate, Thaci tried to resist but was finally forced by overwhelming U.S. pressure to identify a new, less controversial candidate.

Throughout this turbulent phase, the EU seemed unable to exert decisive influence on the local political system and failed to steer it towards more complete democratic consolidation. Quite the opposite, it was forced to support the

⁹¹ See Tansey (2009); Schmidt (2008).

⁹² Council of Europe (2010).

⁹³ "Report identifies Hashim Thaci as 'big fish' in organized crime," *The Guardian* (January 24, 2011).

controversial initiative of U.S. Ambassador Chris Dell, who put an end to Kosovo's presidential crisis by directly indicating to local authorities the name of the new President – relatively unknown Atifete Jahjaga.⁹⁴

More than ten years of attempts at transforming post-conflict Kosovo into a consolidated democracy – trying to Europeanize the country without actually offering enlargement – seemed to have left the EU powerless and, increasingly, under siege. On the one hand, Europe's role – while routinely recognized as central – was *de facto* permanently challenged by other international actors. Complex relations with UNMIK, a sort of creeping competition with OSCE in matters of judicial and police reform, and with the U.S. for influence on Kosovo's politics made it difficult for the EU to consolidate its role in the country.⁹⁵ On the other hand, local resistance to Europe's presence in Kosovo tended to escalate. In September 2009, for instance, EULEX had signed a protocol on police cooperation with Serbia, disregarding Kosovo authorities' opposition on the subject. The reaction against EULEX was virulent. Massive demonstrations were organized. EULEX vehicles were attacked and destroyed.⁹⁶ Prime Minister Hashim Thaci requested that the EU mission renounced its executive powers. The movement for self-determination (*Vetëvendosje!*) took center stage in Kosovo's politics, demanding that the 'international presence in Kosovo, established according to the principles and framework of colonization, non recognition and disdain for the country's

⁹⁴ Author's interview with Gap Institute, Pristina, Kosovo (May 4, 2012).

⁹⁵ Author's interview with OSCE, Pristina, Kosovo (May 25, 2012).

⁹⁶ "Violent protests against EU mission in Kosovo." *EUobserver* (August 26, 2009).

sovereignty, should remove itself from the territory of the state of Kosovo.’⁹⁷ In late March 2011, again, EULEX arrested several wartime military leaders suspected of war crimes. KLA veterans reacted forcefully, organizing demonstrations throughout Kosovo and joining forces with *Vetëvendosje!* against EULEX’ executive authority.

If the EU failed to secure decisive progress in Kosovo’s domestic consolidation, things did not look more promising when it came to the consolidation of the regional context in which the new state operated. Progress in bilateral relations with Serbia remained limited. In July 2010 the International Court of Justice (ICJ) ruled that Kosovo’s unilateral declaration of independence did not contravene international law. Confronted with Serbia’s refusal to accept the ICJ ruling, the EU finally managed to broker a compromise between the parties whereby Serbia took note of the ICJ resolution, but refused to recognize Kosovo’s statehood. Brussels presented such a compromise as a success, noting how the understanding between the parties would buy time to search for more lasting solutions. It was an example – EU observers pointed out – of ‘constructive ambiguity’ – an expedient to keep the dialogue between the parties open, anticipating that compromise would lead to further compromise, finally culminating in the solution of the complex problem of Kosovo’s international status.⁹⁸

Ambiguity – whether or not constructive is a matter of debate – tended to become the distinctive trademark of Europe’s presence in Kosovo. Europe was ambiguous about the status issue; it was ambiguous about Kosovo’s prospects of EU

⁹⁷ Vetëvendosje! (2010).

⁹⁸ Tim Judah, “Bring the Balkans back into the heart of Europe.” *Financial Times* (July 27, 2010).

membership; it was ambiguous about the boundaries and limits of its mission in the country; it was ambiguous in framing the bilateral relations between Serbia and Kosovo, and in dealing with the *de facto* partition between the Serb municipalities in the north and the rest of the country. To make things worse, Europe's own ambiguities were amplified by the highly ambiguous framework of the international presence in Kosovo, in which the EU was expected to lead, yet was not given the necessary legal and political authority to do so.

5. The limits of Europe's transformative power in Kosovo:

Testing Europeanization in a contested state

Kosovo is a small and peripheral problem for the international community and for the EU in particular. It is a tiny country with less than two million inhabitants, an unemployment rate of roughly 40 percent and virtually no economic impact. Its relative importance derives from two factors. First, it lies in the heart of Europe. Its stabilization – therefore – directly impacts the stability of a much wider area in the Western Balkans and represents a crucial strategic interest for the EU and the Euro-Atlantic community. Second, NATO and the EU have invested such a huge amount of their credibility in Kosovo, that its stabilization and consolidation has become a matter of principle – particularly given the lack of cooperation by other global players such as Russia and China.⁹⁹

⁹⁹ Author's interview at EULEX, Pristina, Kosovo (May 3, 2012).

Unfortunately, the attempt to transform and integrate Kosovo into Euro-Atlantic institutions has been clashing against the uniquely complex reality of Kosovo's transition, and the deep divisions characterizing the international presence in the new, contested country. Europe's decision to follow a transformational strategy based on the power of conditionality – a strategy of Europeanization, as we defined it in Chapter 1 – was met with limited success. Europe was never able to establish itself as the unrivalled preeminent actor in Kosovo. The legitimacy of its presence remained contested both legally and politically. Kosovo Serbs never completely accepted Europe's pre-eminence, stubbornly hanging on to the UN framework, and to UNMIK's guarantee role in particular. Kosovo Albanians were often suspicious of Europe's mission, as it was increasingly seen as an obstacle to the actual establishment of independent statehood.

Europe, moreover, was never able to convincingly present itself as a credible player in Kosovo. Europe's constitutional crisis in 2004 and – after 2008 – the euro-zone crisis undermined the credibility of the whole enlargement process in the Western Balkans, making Europe's transformational strategy in the region much less effective. Europe's resources were increasingly re-directed from outward expansion to internal consolidation. The public debate about such concepts as 'enlargement fatigue,' 'absorption capacity,' 'reflection period' showed observers in the Western Balkans that credible prospects of formal integration within European institutions were pushed back into an increasingly distant future.¹⁰⁰ In the case of

¹⁰⁰ Phinnemore (2006); Emerson *et al.* (2006). See also Noutcheva and Bechev (2008).

Kosovo – to make things worse – Europe’s failure to agree on the status issue critically undermined the effectiveness of conditionality, robbing Brussels’ strategy of its single most important transformational tool. Very often, Europe’s strategy in Kosovo – dodging around the status question and focusing on the technical aspects of the mission – looked like a bluff. The credibility of the EU to the eyes of both the international community and local actors suffered considerably as a result.

Unable to agree on a cohesive position on final status and, therefore, unable to project resolute political leadership within the international community and towards local actors, Europe struggled to secure measurable success in what is one of its most challenging foreign policy operations ever. The attempt to transform a post-conflict country – contested both domestically and internationally – into a credible candidate for EU membership proved unprecedentedly complex. Once again, the process of state building proved hardly reconcilable with the process of European integration.¹⁰¹

The lack of legitimacy of Kosovo’s new institutions made it virtually impossible for the young country to pass and implement reform in line with the EU agenda. Parts of the polity of the new state bluntly refused to take active part in the democratic process, developed parallel institutions and resisted recognizing independent Kosovo. Under such complex conditions, progress towards reform and modernization was often contrasted and easily reversed.

The unparalleled fragility of Kosovo’s political system made it characteristically insensitive to Europe’s influence. A system often based on clans

¹⁰¹ Mungiu-Pippidi (2010).

and clienteles, characterized by pervasive political corruption and easy ethno-nationalist scapegoating proved virtually impermeable to Europe's transformative attempts.¹⁰² Leaders found little incentives to comply with Brussels' requests and – more importantly – quickly learnt that they had little to lose if they did not in fact comply.¹⁰³ Powerful criminal organizations, moreover, easily controlled the fragile political system, often using ethno-nationalism as a tool to obstruct the implementation of Europe's reform agenda.¹⁰⁴

The population often failed to see the benefits deriving from a closer relationship with the EU. A more modern system of justice – sponsored and implemented by EULEX – was usually difficult to understand for a population that was not accustomed to the rule of law.¹⁰⁵ A more open internal market was commonly seen as detrimental for local producers who were unable to compete.¹⁰⁶ The prospects of opening the borders in the framework of Europe's common market was often considered unthinkable, given the fact that Kosovo derives roughly 80 percent of its revenues from customs.¹⁰⁷

The lack of an effective bureaucracy and of a mature culture of civil service made the adoption and implementation of EU rules and regulations virtually impossible. Kosovo's tradition of informal administration – developed after its status as an autonomous province within Serbia was revoked in 1989 – critically

¹⁰² Author's interview at EULEX, Pristina, Kosovo (May 3, 2012).

¹⁰³ Author's interview at the Office of EU Special Representative, Pristina, Kosovo (May 2, 2012).

¹⁰⁴ Author's interview at the Regional Cooperation Council, Sarajevo, Bosnia and Herzegovina (April 25, 2012). See also Pugh (2004).

¹⁰⁵ Author's interview at EULEX, Pristina, Kosovo (May 3, 2012).

¹⁰⁶ Author's interview at the Office of EU Special Representative, Pristina, Kosovo (May 2, 2012).

¹⁰⁷ Author's interview at EULEX, Pristina, Kosovo (May 3, 2012).

shaped the culture of local civil servants.¹⁰⁸ As a consequence, the new state bureaucracy tended to retain its habit of managing public affairs informally, often disregarding official and legal procedures.¹⁰⁹

Similarly to what happened in Bosnia, in sum, institutional, political and bureaucratic fragility – all distinctive features of post-conflict environments – undermined the effectiveness of Europe’s strategy in Kosovo. The transformative power of EU conditionality – further weakened in the case of Kosovo by the open question of status – failed to materialize. Europeanization never seriously started. In Kosovo – once again – Europe’s transformative power met its limits. The next chapter will explain the consequences of this failure.

¹⁰⁸ Stilhoff Sørensen (2003), pp. 272-73.

¹⁰⁹ A Croat diplomat who trained Kosovo’s civil servants in the immediate aftermath of NATO’s intervention recalled that it was virtually impossible to convince them to talk business in their offices. As a consequence of long years of informal administration of the region, Kosovo’s civil servants preferred to deal with official matters while seating in cafes. It took time before they got used to deal with official matters in the proper setting and following proper legal procedures. Author’s interview with Croat Senior Diplomat, Sarajevo, Bosnia and Herzegovina (April 30, 2012). For a more specific case study on the impact of limited bureaucratic capabilities on Europeanization, see Elbasani (2009).

Chapter 5

Lost in Europeanization:

Kosovo's unfinished transition

Since we didn't achieve any major results, we haven't made Kosovo a better place – the economy is stagnating, foreign direct investment is not coming in. [...] This is very serious. Our credibility is at stake with our international partners.¹

What if some North African country asks for EU assistance?
What if Tunisia, Libya or, one day, even Syria, asks for our help to build democracy?
What kind of help can we give them based on the Kosovo precedent?²

'No modern polity can become democratically consolidated unless it is first a state' – Linz and Stepan explained in their influential study of post-communist transition.³ In the past fifteen years, Kosovo has been struggling to establish itself as a legitimate, full-fledged state. It has tried to consolidate itself internally, facing the

¹ Former ICO and EUSR Pieter Feith, quoted in Andrew Rettman, "EU and Kosovo corruption: Scratching the surface?" *EUobserver* (November 11, 2014).

² Andrea Capussela, former EULEX official, quoted in Andrew Rettman, "EU and Kosovo corruption: Scratching the surface?" *EUobserver* (November 11, 2014).

³ Linz and Stepan (1996), p. 7.

opposition by parts of the Serb minority who actively boycotted the young country's attempts to establish itself as a sovereign actor. It has tried to consolidate internationally, facing not only the active opposition of Serbia but also the confused signals coming from a divided, often distant international community.

Fifteen years after NATO's military intervention – and seven years after the unilateral declaration of independence – Kosovo's 'stateness problem' remains as open as ever. Its international status remains undecided. Its domestic and international legitimacy remains weak. As a consequence, its attempts at democratic consolidation have gone largely frustrated.

The EU has engaged in Kosovo in its grandest and most challenging experiment of state building. It has committed itself to the transformation of Kosovo from a divided post-conflict subject to a consolidated, self-sustaining actor. Time and again, it has made clear that membership in the Union is Kosovo's – and the whole Western Balkans' – secure destiny. By committing itself to transform and integrate the youngest and poorest country in Europe, the EU has put its capabilities to a very severe test. More importantly, it has put its very credibility on the line.

When – in 2013 – Europe successfully brokered the Brussels Agreement between Kosovo and Serbia, it looked like its efforts were finally coming to fruition. Those who had been theorizing the transformational power of EU conditionality seemed finally vindicated. The path towards Kosovo's consolidation seemed finally open. Yet Europe's success in the dialogue between Pristina and Belgrade failed to show its transformational effects on Kosovo's fragile and deadlocked domestic

political system. Quite the opposite, the dialogue with Belgrade tended to destabilize – rather than stabilize – the young country's shaky internal equilibriums. Inter-ethnic relations remained tense. Ethno-nationalist rhetoric remained pervasive. The potential for social unrest remained high. Young-rooted institutions were kept hostage of all-powerful wartime leaders – often sporting embarrassing ties with organized crime.

After fifteen years of constant presence in Kosovo – and after an unparalleled investment in terms of both physical and moral capital – the EU seems increasingly doubtful about its role. EULEX is bound to close soon, thus putting an end to the era of Europe's executive authority. Enlargement – the cornerstone of Europe's strategy – remains confined in a distant and uncertain future. Distracted by its long internal crisis and by the emergence of more pressing priorities, the EU seems to have lost the willingness and capacity to re-think its role in Kosovo. Its insistence on the modernization of the country has been wiped out by the urgency of the immediate needs of an impoverished population mired in a disheartening economic stagnation. Its attempts to steer the country towards reform have clashed time and again against a fragile, characteristically unreceptive political system. Its expectations of being able to secure measurable progress in Kosovo have been gradually lowered. Its faith in the transformational power of the Europeanization process – Europe's capacity to guide and give impulse to Kosovo's reform and modernization – has gradually vanished.

Cornered by an increasingly impatient local public opinion, the EU has gradually lowered its profile. The process of consolidation from a post-conflict environment into a cohesive, effective actor may take decades – fifteen years of presence in Kosovo seem to show. More importantly, it will follow a timetable and a rationale that are not necessarily compatible with those of EU enlargement.

Europe will remain involved in Kosovo in order to provide reasonable levels of stability. It will carry on with its role of facilitator in the bilateral dialogue with Serbia in the attempt to provide long-term security for the whole region. Ultimately, however, the time and ways of Kosovo's internal reform will be dictated by Kosovo itself and not by the transformational impulse coming from Brussels.

1. Reviving conditionality:

Europe and the Belgrade-Pristina dialogue

The always-volatile security situation in Kosovo reached its all-time low in the summer of 2011. Then – following an attempt by the police to take control on several border crossings in the Serb-controlled municipalities – a violent revolt of the local population broke out. Barricades were erected throughout Northern Kosovo. All of a sudden, stability in the country – and in the wider Western Balkan region – appeared in serious jeopardy.

Authorities in Pristina openly accused NATO and the EU of failing to support Kosovo's attempts at establishing effective control over the totality of its territory.

Faced with rapidly resurgent inter-ethnic violence, the international community was taken by surprise. The positions of KFOR troops – called to restore public order – looked immediately very delicate, as they were forced to use tear gas and threaten the use of force to disperse protesters. Kosovo Serbs and NATO security forces engaged in an endless cat and mouse game, with roadblocks being built, removed and rebuilt across the northern part of the country. Finally, demonstrators directly attacked KFOR troops, thus drawing global attention to Kosovo's increasingly volatile situation. The international community as a whole – and Europe in particular – were called to act resolutely if they wanted to prevent interethnic tensions from re-igniting violence throughout the region.

German diplomacy set the tone of Europe's reaction to the riots in Northern Kosovo. On the one hand, Foreign Minister Guido Westerwelle visited Pristina, pointing out that borders in the region would not be subject to any negotiation. Chancellor Angela Merkel – on the other hand – flew directly to Belgrade, making it very clear that Serbia's EU aspirations would be put on hold until there was major progress towards the resolution of the Kosovo status dispute.⁴ In order to re-start the dialogue with the EU – Merkel pointed out – Serbia needed to finally accept the presence of EULEX throughout Kosovo, thus including its Serb-populated northern part. Finally, Belgrade needed to dismantle all the parallel administrative structures that had been established in Northern Kosovo.

The key to solve Kosovo's status problem – Germany's diplomatic initiative suggested – lied in Serb nationalism. Since the beginning of the wars of Yugoslav

⁴ Bojana Berlovac, "Kosovo on Table for Merkel's Belgrade Visit," *Balkan Insight* (August 22, 2011).

succession – a German diplomat pointed out – Serb nationalism has consistently been on the losing side.⁵ For this reason Belgrade had been uncompromisingly clinging to *Republika Srpska* and Kosovo. By exerting resolute diplomatic pressure on Belgrade, therefore, the EU had a credible chance to transform the inter-ethnic dynamics within Kosovo. Forceful use of membership conditionality towards Serbia could change Belgrade's cost-benefit calculations, presenting a profitable alternative to ethno-nationalist rhetoric and international isolation.

The obvious assumption underlying the German approach was that political influence tends to flow from Serbia proper towards ethnic-Serb communities across the Western Balkans – Northern Kosovo and *Republika Srpska* first of all. This – we will argue below – is a problematic assumption, as ethno-nationalist tensions seem to be increasingly generated in the periphery and to reverberate into Serbia proper, rather than the other way around. It is a fact nonetheless that Germany's sudden awakening in the summer of 2011 radically changed the dynamics of Europe's engagement with Kosovo's status problem, leading to unprecedented progress in the months and years to follow.

The timing of Germany's diplomatic offensive was particularly effective. Serbia's general election was scheduled for May 2012, and Berlin's threat of blocking Serbia's path towards EU integration put overwhelming political pressure on President Boris Tadic, who was running for re-election.⁶ Tadic, as a consequence, was forced to publicly accept Merkel's requests, dropping Belgrade's insistence on the continuation of UNMIK and recognizing the legitimacy of the EU mission in

⁵ Author's interview at the Embassy of Germany, Pristina, Kosovo (May 5, 2012).

⁶ Author's interview at the Embassy of Germany, Pristina, Kosovo (May 5, 2012).

Northern Kosovo.⁷ Even more importantly, he agreed to resume a EU-sponsored bilateral dialogue with Pristina on several technical issues, including integrated border and customs management.⁸

A difficult negotiation was launched that concerned the representation of Kosovo in regional cooperation structures. Since the 2008 unilateral declaration of independence, in fact, Belgrade had been blocking the participation of the Kosovo government in regional organizations and meetings, demanding that the contested country be officially represented by UNMIK. In February 2012, now, Belgrade agreed to Kosovo's direct participation, under the condition that an asterisk always followed the official name of the new country.⁹ 'Constructive ambiguity' – Europe's preferred strategy to deal with Kosovo's status intricate problem – characterized this negotiation as well. After the agreement was signed it was immediately clear that Belgrade and Pristina read it in diametrically opposite ways. Belgrade saw the agreement as an instrumental concession to facilitate its path towards Europe, yet held onto its categorical refusal to recognize independent Kosovo. Pristina saw it as the *de facto* recognition as a fully independent state. EU officials tended to overlook the parties' different interpretations, and focused on the content of the agreement. Once the document was signed – they pointed out – there was time for the parties to agree on its actual meaning and, in the meantime, the process of negotiations could proceed further.¹⁰ Beyond the parties' interpretations – experts noted – the

⁷ "Serbia's Tadic says can accept EU police for Kosovo," *Reuters* (August 29, 2011).

⁸ Malazogu and Bieber (2012); see also Hamilton (2012).

⁹ The asterisk refers to a footnote reading: "This designation is without prejudice to status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence."

¹⁰ Author's interview at EU Delegation to the United States, Washington, DC (April 9, 2012).

practical consequence of the agreement was that Kosovo was finally allowed to represent itself as an independent actor, while at the same time acknowledging the fact that it was not yet a completely sovereign state.¹¹

EU conditionality proved a crucial factor in facilitating the bilateral dialogue. Brussels clearly indicated that the signing of an agreement on regional cooperation was a necessary precondition for granting candidate status to Serbia. At the same time, the EU promised to initiate a feasibility study on a SAA with Kosovo as an inducement for Pristina to sign.

The sudden outbreak of violence in the summer of 2011 had unexpectedly drawn Europe's leaders' attention back on Kosovo. Resolute political leadership by Germany had set in motion a credible process in which local actors had little choice but to comply with Europe's demands. Strong pressure on Serbia had enabled Europe to achieve a significant diplomatic breakthrough, circumventing the problem of the ineffectiveness of conditionality in dealing with a divided post-conflict environment such as Kosovo. Conditionality – the progress in the Belgrade–Pristina bilateral dialogue seemed to suggest – was an effective transformational mechanism even in complex post-conflict environments. Europeanization – after years of high expectations and burning frustration – finally seemed capable of transforming this part of the Western Balkans.¹²

¹¹ Lehne (2012), p. 3.

¹² Bierman (2014).

The agreement on regional cooperation carried considerable practical and economic consequences for Kosovo. Furthermore, it set in motion an unprecedented European diplomatic initiative.¹³ Germany – with strong support by the UK – provided political momentum within the EU. The U.S. agreed to curtail its role as the traditional guarantor of Kosovo Albanians, finally shifting to a role centered on backing EU diplomatic initiatives.¹⁴ High Representative Catherine Ashton – together with the EEAS – resolutely pushed for a new, more ambitious agreement that concerned more directly the normalization of the explosive situation in Northern Kosovo. After the May 2012 elections, the new Serbian government responded to Europe’s pressures with pragmatism.¹⁵

Europe’s experience with ‘structured dialogues’ in Bosnia provided a blueprint for the Brussels’ new initiative in Kosovo. A ‘facilitated dialogue for the normalization of relations between Belgrade and Pristina’ was launched that – as it had happened in the case of Bosnia – was carried out at the level of top political leaders, and under the personal leadership of High Representative Ashton. The dialogue was strictly technical in nature, aiming at ‘promoting cooperation between the two sides, helping them achieve progress on the path to Europe and improving the lives of the people.’¹⁶ The issue of status was never directly tackled and Serbia remained adamant about its unwillingness to recognize the declaration of

¹³ Lepore (2012).

¹⁴ Author’s interview at the Center for Transatlantic Relations, Washington, DC (February 10, 2012). See also Pond (2013), p. 25.

¹⁵ Pond (2013); Kostovicova (2014). See also Obradovic-Wochnik and Wochnik (2012).

¹⁶ http://www.eeas.europa.eu/dialogue-pristina-belgrade/index_en.htm [accessed 09.01.2014].

independence. Technical negotiations, however, had an obvious, important political implication. For the first time, Prime Ministers from Serbia and Kosovo undertook direct negotiations with each other, thus implicitly recognizing their respective roles. For the first time, moreover, Belgrade and Pristina acknowledged the fact that real stabilization of the situation in the region could only be achieved through bilateral cooperation between the two governments. As Prime Minister Ivica Dacic put it in March 2013, Serbian citizens had to finally realize that – despite all the rhetoric – Kosovo was lost to Belgrade’s control:

The Serbian president cannot go to Kosovo, nor the prime minister, nor ministers, nor the police or army. That’s how much Kosovo is ours, and what our constitution and laws mean there.¹⁷

A compromise solution had to be hammered out, in order to ‘save what [could] be saved’ and to provide the Serb population in Kosovo with a ‘normal, safe life and clear future.’¹⁸ The beginning of the facilitated dialogue – Prime Minister Thaci echoed - was Kosovo’s biggest victory:

We knew where we were going. The agreement was to liberate ourselves from the past.¹⁹

¹⁷ “Lies were told that Kosovo is ours – PM,” B92 (March 7, 2013).

¹⁸ “Lies were told that Kosovo is ours – PM,” B92 (March 7, 2013).

¹⁹ Quoted in Dempsey (2014).

Finally, Europe's cohesive and assertive diplomacy led to a new diplomatic breakthrough in Kosovo-Serbia relations. In April 2013 the parties agreed on a compromise solution on the question of Northern Kosovo – an agreement that international observers and opinion makers throughout the region welcomed as a transformative milestone in the troubled history of the Western Balkans. Belgrade and Pristina agreed on the creation of a Community/Association of Serb Municipalities in Kosovo, which was to include the Serbian municipalities north of the river Ibar, but would be open for other Serbian communities throughout Kosovo to join in the future. The Community was to have exclusive competence in different areas of governance, such as economic development, health, education, urban and rural planning. Very sensitive areas such as the reform of police and judiciary – issues on which the Serb communities had been violently battling against Pristina – would fall under the control of the central state. All police forces in the northern part of the country were to be integrated into the Kosovo police framework. Similarly, judicial authorities were to be integrated in the central state's legal framework. Parallel judicial structures linked to Serbia were to be dismantled.²⁰ On the one hand, Pristina would accept the creation of an intermediate level of government representing Serb-majority communities – a development it had always resisted, fearing to import a *Republika Srpska*-kind of problem within Kosovo's institutional system.²¹ On the other hand, Belgrade formally recognized Pristina's control of Northern Kosovo, officially committing to dismantle all parallel institutions and to cease any activity challenging Pristina in the area.

²⁰ Ejodus (2014).

²¹ Author's interview at the Ministry of European Integration, Pristina, Kosovo (May 5, 2012).

As in previous negotiations, ‘constructive ambiguity’ was an integral part of the deal. Pristina saw the agreement as yet another piece of evidence of the fact that Kosovo had reached the status of a fully sovereign state. The days of Belgrade interfering in Northern Kosovo’s affairs were over and the country could be finally unified under the leadership of Pristina’s central government. Belgrade, quite the opposite, argued that the Serb community in Northern Kosovo had finally been internationally recognized, obtaining as much as a formal guarantee by NATO that the future Kosovo army would not be able to operate in the area without KFOR’s consent. The compromise, therefore, *de facto* reaffirmed the dual sovereignty of Belgrade and Pristina on Northern Kosovo.²² While Pristina saw the agreement as a step towards state consolidation, in sum, Belgrade saw it as a means to formally gain a say in Kosovo’s domestic politics. Europe – once again – stressed the historic significance of the negotiating process. Beyond the parties’ different interpretations – officials in Brussels pointed out – the agreement reshaped the nature of the conflict on the ground. Beyond the still unresolved status issue, a forceful use of conditionality had finally led to the transformation of the terms of the Kosovo problem. Immediately after the signing of the agreement the EU rewarded the parties for their progress. On April 22, 2013 the Commission recommended to open accession negotiations with Serbia, and to start negotiations about the SAA with Kosovo.

²² The idea of dual sovereignty had been launched in 2011 by Serb Prime Minister Tadic, who publicly argued in favor of a Northern Ireland-kind of settlement for Kosovo. See “Serbia looks at ‘dual’ model for Kosovo,” *EurActive* (December 21, 2011). See also International Crisis Group (2011).

2. Is it real transformation?

The problematic implementation of the agreements

Europe's ability to transform applicant countries – we argued in Chapter 1 – depends on a combination of factors. Some of these factors pertain to Europe's external governance, some to domestic strategies of adaptation. The likelihood of Europe's being able to exert a decisive impact on applicant countries – we noted – depends on the determinacy and legitimacy of conditions, on the size and speed of rewards, on the credibility of threats and promises. The Union's transformative power, moreover, is co-determined by the degree of identification of domestic elites with Europe, and by the size of adoption costs.²³

The Belgrade-Pristina Dialogue, in this perspective, looks like the perfect setting for political conditionality to work, thus for the EU to maximize its influence. The goal of Europe's diplomatic initiative was clear and well delineated: the signing of an agreement among the parties. The rewards offered were sizeable and immediate: the opening of accession negotiations for Serbia and the signing of a SAA for Kosovo. Europe's credibility was high: without agreement, neither of the parties would progress on its European path. Furthermore, virtually all parties in both Serbia and Kosovo strongly supported the idea of a European future for their

²³ Schimmelfennig and Sedelmeier (2004).

countries, while the adoption costs were vastly exceeded by potential benefits.²⁴ For Serbian elites, the agreement was a chance to disentangle themselves from a hopeless rearguard battle over Northern Kosovo without making any major concessions on the status issue. By doing so, they were able to steer their country towards the opportunities offered by Europe, while at the same time gaining a legal opportunity to directly influence Kosovo's domestic politics from within. For Kosovo elites, the agreement was a chance to boost their international standing, showing the world that Kosovo had finally gained full sovereignty over its territory. At the same time, it was an opportunity to show their domestic constituencies that they were capable of moving Kosovo forward, thus gaining support one year before the general election.

Studies, however, have demonstrated how the transformative power of Europeanization crucially depends not just on applicant countries' willingness to adhere to EU conditions, but on the extent to which such countries are capable of downloading and implementing EU rules and regulations. In difficult cases of transition – in particular – partial, fake or elusive implementation of EU conditions is central in explaining the outcome of Europeanization.²⁵ In this perspective – and with the benefit of two years' hindsight – the transformational effects of the Brussels Agreement remain to be demonstrated.²⁶

²⁴ Economides and Ker-Lindsay (2015) warn that pragmatism and political opportunism were the motivations leading the parties to compromise, not the absorption or adaptation to EU values or norms.

²⁵ Elbasani (2009); Noutcheva (2009).

²⁶ Jurekovic (2013).

A first obstacle on the path to successful implementation of the April 2013 agreement was represented by the position of Serb communities within Kosovo. Serbs south of the river Ibar – who account for roughly two thirds of the total and are largely integrated into the new country – supported the agreement, seeing it as their best option to improve their living conditions and gain political representation in Kosovo. Serb communities north of the Ibar, however, actively opposed bilateral negotiations between Belgrade and Pristina, fearing that a compromise solution would signal the disengagement of Serbia from Northern Kosovo. The population – largely unaware of the content of the agreement – was skeptical about it.²⁷ Local officials openly opposed its implementation. Organized crime – that had long been profiting of the extralegal zone existing in Northern Kosovo – made progress all the more difficult.

Politically isolated and never involved in the negotiations, in sum, local Serb communities came to represent a major problem for the implementation of the agreements. Belgrade found it difficult to convincingly explain that the negotiations with Pristina were carried out in the interest of Northern Kosovo Serbs. Europe's strategy – putting Serb ethno-nationalism under pressure in order to secure progress in Kosovo – showed its limits. Uncompromising positions in Northern Kosovo – widespread opposition to the Brussels Agreement demonstrated – did not necessarily depend on Belgrade's political influence. Increasingly, Serb ethno-nationalism seemed to be generated in the periphery – in Northern Kosovo, just as

²⁷ An NDI poll in February 2014 showed that less than 10 percent of Northern Kosovo Serbs were informed of the provisions of the agreement regarding the reform of the judiciary. See NDI (2014).

in *Republika Srpska* – and to reverberate towards Belgrade, the center.²⁸ Brussels' attempt to by-pass local communities – permanently mired in a post-conflict dynamics of ethnic division and mistrust – and to focus on the high-level dialogue between the capitals finally clashed against Northern Kosovo Serbs' failure to cooperate in the implementation of the agreements.

On September 10, 2013, the government in Belgrade decided to dismiss the mayors and assemblies of four Northern Kosovo municipalities, who had been actively mobilizing the local population against the November 2013 election – meant to elect the representatives in the new Community/Association of Serb Municipalities.²⁹ Furthermore, Belgrade launched a massive campaign in the area, aimed at convincing citizens to take part in the election. It promoted the creation of a single list for Kosovo Serbs, mostly including individuals that had been members of former Serb-sponsored parallel institutions. As a consequence, it escalated its involvement in Kosovo domestic politics. Serbia's minister for Kosovo and Metohija, Aleksandar Vulin, went as far as drawing a parallel with the situation of the *Republika Srpska*, openly calling for a 'Kosovo Dodik.'³⁰ Unsurprisingly, Belgrade's new activism in Northern Kosovo sparked suspicion in Pristina, *de facto* blocking progress on the implementation of the Brussels Agreement.

²⁸ Author's interview with the Office of the EU Special Representative, Pristina, Kosovo (May 2, 2012).

²⁹ Natasa Latkovic, "Serbs in Kosovo north determined not to go to polls on November 3 even under threat to be recalled," *Blic Online* (August 21, 2013).

³⁰ "SNS I SPS o "kosovskom Dodiku," *B92* (November 8, 2013).

In the end, local elections on November 3, 2013 were disrupted by violence and the boycott of the overwhelming majority of Northern Kosovo Serbs.³¹ They had to be repeated two weeks later, this time in a generally calm atmosphere. The turnout in Serb-majority municipalities, nonetheless, remained very low. Again, the majority of Serbs in Northern Kosovo decided to boycott the parliamentary election of June 2014. Increasingly politically isolated, Serb communities decided to play the card of violent protest to show the world that they could still destabilize the area and derail the political process. By challenging stability in the area, Northern Kosovo Serbs really aimed at re-asserting their role towards Belgrade, thus increasing their waning bargaining power.³² Once again barricades were erected on the river Ibar in Mitrovica. Inter-ethnic relations, once again, seemed on the verge of turning violent.³³

Momentum for the implementation of the agreement was quickly lost on the Kosovo Albanian front as well. The opposition party *Vetëvendosje!* vocally opposed the agreement with Belgrade, pointing out that it restricted the country's sovereignty, preventing its territorial and institutional consolidation.³⁴ The government in Pristina – eager to capitalize its diplomatic success at the July, 2014 general election – failed to press for the implementation of the agreement. The EEAS shifted its attention from Kosovo to new, emerging priorities such as the crisis

³¹ Komad (2013).

³² Author's interview with the Office of the EU Special Representative, Pristina, Kosovo (May 10, 2014).

³³ "Protest turns violent in divided Kosovo town," *Balkan Insight* (June 22, 2014).

³⁴ Jurekovic (2013).

in Ukraine. As a result – notes an investigative report published in November 2014 – the Brussels Agreement remained largely on paper.³⁵ The Serb municipalities in Northern Kosovo finally came under Pristina’s control *de jure*. *De facto*, however, the capital’s influence in the area remained practically non-existent. The integration of Northern Kosovo’s municipal, judicial and security bodies into the national institutional system was not fully realized. Most of the benchmarks were not met. Disagreements about the interpretation of various provisions of the agreement caused increasing friction between Kosovo and Serbia, which led to further delays in the implementation.

Beyond partial implementation, another factor undermined the transformational effects of the Brussels Agreement. As explained above, ‘constructive ambiguity’ represented a characteristic feature of Europe’s strategy to secure deals between traditionally uncompromising parties.³⁶ In the case of the Brussels Agreement, however, ambiguity easily turned into lack of transparency. Both governments kept the details of the negotiations secret. After the signing, Serbia never officially published the text of the agreement. Kosovo did so only after it became part of a law passed by parliament. The EU failed to publicize the content of the agreement, arguing that it was the parties’ decision, whether they wanted to make it public or not.

³⁵ BIRN (2014).

³⁶ Guzina and Maijan (2014) argue that the continuation of a strategy based on ‘constructive ambiguity’ is important for continued normalizing bilateral relations. Pushing for recognition too soon – they explain – could derail the whole negotiating process, causing insecurity and mutual mistrust.

The lack of transparency had immediate effects on the implementation of the agreement. On the one hand, it undermined public trust in its provisions, leaving an aura of uncertainty about its real significance. On the other hand, it left room for the governments to exploit uncertainty in order to gain tactical advantages. The November 2013 local election in Northern Kosovo, for instance, was proclaimed 'status neutral' by Belgrade despite the fact that it obviously took place within the electoral framework of Kosovo.³⁷ Similarly, Belgrade opposed the inclusion of Kosovo's state emblem on the ballots arguing that the agreement was strictly status neutral, and therefore did not establish Pristina's sovereignty on Northern Kosovo. The lack of transparency on the actual provisions of the agreement, and the ambiguity about its interpretation – in sum – tended to generate confusion and uncertainty, eroding whatever trust had been created around the bilateral negotiating process.

In 2014, Europe's attention tended to shift away from Kosovo. The emergence of more pressing foreign policy priorities – the crisis in Ukraine first of all – diverted the energies of Brussels' diplomacy towards different theaters. The European Parliament election of May 2014, moreover, led to the formation of a new Commission, thus to the appointment of a new High Representative for the Foreign and Security Policy. As a consequence, Lady Ashton's small group – which had been directly supervising the whole negotiation process – was unable to carry on in its

³⁷ Weber and Bassuener (2013), p. 5.

role effectively.³⁸ The end of Ashton's tenure had a particular impact on the Belgrade-Pristina dialogue, given the role she had been personally playing in the negotiations. New High Representative Federica Mogherini signaled her willingness to carry on with the dialogue, noting at the same time that the implementation of the agreement signed in 2013 was Europe's priority in the new phase.³⁹ Europe's commitment to Kosovo remained strong, yet it was the parties' responsibility to show sizeable progress in their bilateral relations.

Admittedly, two years is too short a time to conclude that the signing of the Brussels Agreement had no real transformative impact on the political and inter-ethnic dynamics of Northern Kosovo – and of Kosovo as a whole. In a complex situation such as this, processes evolve slowly and progress needs to be measured in the long run. Potentially, the process of bilateral negotiations between Belgrade and Pristina can lead to more progress, changing the rules of the game in the whole Western Balkans.

Serbia – no longer impeded in its European aspirations by the open issue of Kosovo – has the potential to move swiftly towards integration, following in Croatia's footsteps as the next credible EU candidate in the Western Balkans. Belgrade decision to choose a European future by *de facto* acknowledging the existence of Kosovo instead of clinging to the impossible dream of recreating a

³⁸ EU officials in Kosovo point out that the very closed negotiating team surrounding Ashton – effective as it was in securing a deal – gave rise to major problems. Relevant expertise within the EU – in EULEX in particular – was sidelined that could have proved useful in matters such as judicial and police reform. As a consequence, errors were made in the drafting of the documents that, in turn, made implementation even more problematic. Author's interview with EULEX, Pristina, Kosovo (May 10, 2014).

³⁹ "Mogherini calls for resumption of Belgrade-Pristina dialogue," ANSA (November 19, 2014).

greater Serbia has been made, and is unlikely to be reversed in the future. The relatively weak ethno-nationalist reaction to the Brussels Agreement shows that Serbia's public opinion no longer sees Kosovo as an absolute priority.⁴⁰

Things, however, look more complex when it comes to Kosovo. The post-conflict, highly volatile dynamics characterizing Northern Kosovo seem poised to impact the territorial and political consolidation of the new country for a long time. It will be primarily Pristina's task to find ways to finally integrate Northern Kosovo Serbs into the new state's polity – a task that remains extremely complex after the Brussels Agreement. It will be primarily Pristina's task to build an actual multiethnic country, leaving maximalist ethno-nationalist claims behind, and securing more effective protection of minority rights.⁴¹ It will be primarily Pristina's task to confront powerful organized crime that – using opposing nationalisms – is poised to fight to preserve its advantageous position in Kosovo's current legal uncertainty – interfering with the process of territorial and democratic consolidation of the country. Ultimately, it will Pristina's task to find ways to live with a complex post-conflict situation that will make it difficult for the new country to move swiftly towards democratization, economic and political modernization, and – finally – European integration.

Serbia – one might argue in conclusion – can make the decision to deal with Kosovo as a foreign policy matter, if it wishes to do so. As a consequence, it is

⁴⁰ "Kosovo is Serbia: Thousands protest implementation of 'normalizing ties' deal," *Russia Today* (May 10, 2013).

⁴¹ Along these lines, the Council of Europe (2013) signals a worrisome 'negative trend towards nationalism,' pointing that progress in matters such as education, inter-ethnic relations, equal access to property rights remains extremely limited.

relatively easy for Belgrade to disentangle itself from the Kosovo problem, deciding to focus on internal reform and modernization in a credible European perspective. The signing of the Brussels Agreement, in this perspective, represents a long-prepared transformational moment for Serbia on its path towards the EU.⁴² Kosovo, quite the opposite, still needs to deal with its post-conflict consolidation before it can realistically expect further progress towards EU integration. Internationally, its status remains contested – crucially by five EU member states. Domestically, its path towards the EU remains long and full of potential pitfalls. The signing of the Brussels Agreement, in this perspective, represents good progress for Kosovo. Nonetheless it does not radically transform its current situation, nor does it measurably improve its European perspective.

3. From mission to the Commission:

The limited impact of conditionality on Kosovo's domestic affairs

Writing in 2009, Balkan foremost expert Susan Woodward explained that no country in the Western Balkans – Kosovo included – qualifies as a fragile or failed state.⁴³ Their ranking according to different measures of state fragility – she pointed out – does not place them into a particularly vulnerable category. In 2011, Florian Bieber partially challenged Woodward's conclusions, wondering whether Kosovo is actually an 'impossible state' that, despite all efforts by the international community,

⁴² Obradovic-Wochnik and Wochnik (2012).

⁴³ Woodward (2009), pp. 169-2.

might never be able to sustain itself.⁴⁴ Again in 2011, LSE's Spyros Economides went as far as describing international efforts in Kosovo as the 'making of a failed state'.⁴⁵ Many EU officials in Kosovo seem to share this latter point of view. With the notable exception of the Belgrade-Pristina dialogue, the efforts by the international community – with Europe at its core – have delivered meager results. Considering the huge amount of money spent by the EU – one officer with the EUSR pointed out – its capacity to influence the process of democratic consolidation in Kosovo should be far greater than it actually is.⁴⁶ After fifteen years of failed democratic transition – one EULEX officer observed – the international community increasingly looks like Dukas' 'apprenti sorcier'.⁴⁷ It has created a state that has been stubbornly refusing to cooperate, frustrating any serious attempt at domestic reform and modernization.

The creation of a real multi-ethnic democracy – as provided for in the constitution – has remained largely on paper. The political system remains characteristically fragile. Civil society is often absent. A modern culture of civil service has been slow to establish itself. Kosovo's bureaucracy – as a consequence – remains highly ineffective. A high level of systemic corruption characterizes public life. With the notable exception of the Prime Minister – who enjoys virtually unchecked personal power within Kosovo's democratic system – state institutions lack effectiveness. The decision-making process remains largely informal.⁴⁸

⁴⁴ Bieber (2011).

⁴⁵ Economides (2011).

⁴⁶ Author's interview with the Office of the EU Special Representative, Pristina, Kosovo (May 2, 2012).

⁴⁷ Author's interview with EULEX, Pristina, Kosovo (May 3, 2012).

⁴⁸ Author's interview at EULEX, Pristina, Kosovo (May 3, 2012).

Decisions are often made outside the official structures. The government appears to just implement decisions made elsewhere.

Pristina's authorities never acknowledge any flaws on the part of Kosovo. Even on problematic issues such as war crimes there has hardly been any critical thinking.⁴⁹ Kosovo is destined to join the EU in a not distant future – leaders in Pristina argue consistently. This is going to happen irrespective of how serious Kosovo is about building a sounder and more consolidated democracy.⁵⁰ Eventually standards will be lowered – seems to be the impression of both international and local officials – and Kosovo will be formally integrated in the EU, possibly under the condition of a long period of post-membership supervision.⁵¹

Kosovo's government, in sum, has been holding Europe hostage – EU officials are ready to admit.⁵² Faced with Pristina's refusal to cooperate on the implementation of an agenda of reform and modernization, the EU had little alternative but to gradually lower its standards, carrying on with its attempts to prompt change and favor Kosovo's convergence towards Europe.

Europe's diplomatic offensive on the Belgrade-Pristina – in this perspective – played into the hands of Kosovo's elites. On the one hand, it focused on the international dimension of the Kosovo problem, pressuring Belgrade to accept Pristina as a legitimate counterpart. For Kosovo politicians, therefore, it was

⁴⁹ Author's interview with EULEX, Pristina, Kosovo (May 3, 2012).

⁵⁰ Author's interview with EULEX, Pristina, Kosovo (May 3, 2012).

⁵¹ Author's interview with the Office of the EU Special Representative and Council of Europe, Pristina, Kosovo (May 2-4, 2012).

⁵² Author's interviews with the Office of the EU Special Representative and EULEX, Pristina, Kosovo (May 2-3, 2012).

relatively easy to engage in a dialogue that raised their international standing – something they had always considered a top political priority. On the other hand, the Belgrade-Pristina dialogue tended to crowd out all other issues facing Kosovo. It diverted Europe's focus from crucial matters such as the rule of law, the reform of the public administration, and the fight against pervasive political corruption and organized crime. The pressure on Pristina's implementation of much needed domestic reform, therefore, was eased, leaving room for local elites' procrastination and lack of compliance with EU demands. Yet both EU and government officials agree that the problem of Northern Kosovo is not the central issue on Kosovo's agenda.⁵³ Economic development has remained elusive in recent years. Widespread poverty and high unemployment remain – as a consequence – real national emergencies. The rule of law, the fight against organized crime, the reform of highly ineffective public administration need to be brought back at the center of Kosovo's – and Europe's – agenda.

After the International Civilian Office (ICO) closed on September 10, 2012 – thus formally ending the era of 'supervised independence' – Europe's role in Kosovo has become even more delicate. The legitimacy of international executive authority has come under growing scrutiny. EULEX, in particular, has found itself in an increasingly difficult position. Locally, pressures for dismantling the mission have risen further. Internationally, it has been increasingly difficult for Europe to justify the presence of international judges and prosecutors in a country that most EU

⁵³ Author's interview at EULEX, Pristina, Kosovo (May 3, 2012), and at the Ministry of European Integration, Pristina, Kosovo (May 5, 2012).

member states recognize as independent.⁵⁴ After the end of ‘supervised independence’ – EU officials in Pristina point out – the only viable long-term strategy for Brussels is to gradually move ‘from mission to the Commission.’ This entails a more forceful use of political conditionality to steer Kosovo on the path of reform. Moreover, it entails credible prospects of EU membership to provide momentum and direction to the process.

The formal launching of the SAA in April of 2013 seems to suggest that Kosovo’s path towards membership may be finally open, and that integration into EU institutions could really happen in a foreseeable future. The question of Kosovo’s international status, however, remains open. At the end of 2014, only 108 out of 193 UN members had officially recognized the young country. Kosovo’s membership in the UN remained, as a consequence, impossible. Similarly, the situation remains blocked within the EU. Kosovo is the only country in the Western Balkans whose citizens are excluded from a visa-free travel regime with Europe. Pristina’s failure to effectively contrast corruption and organized crime, and to establish adequate technical practices in matters of border management prompted Brussels’ refusal to grant visa liberalization.⁵⁵ Of the five non-recognizing states, Greece, Slovakia and Romania have decided to accept Kosovo passports on

⁵⁴ Their presence – as one EULEX officials pointed out – constitutes a clear ‘act of aggression from the legal point of view.’ Author’s interview at EULEX, Pristina, Kosovo (May 3, 2012).

⁵⁵ The EU presented Kosovo with a road map for visa liberalization in 2012. In early 2014, the European Parliament’s Special Rapporteur on Kosovo Ulrike Lunacek deemed insufficient the progress on the implementation of the road map, noting that visa liberalization will not be granted for at least ‘the next few years’. See “Lunacek: ‘There will not be visa liberalization for the next 2 or 3 years’,” *Kosova Press* (January 21, 2014).

humanitarian grounds.⁵⁶ Spain and Cyprus have taken a stricter stance, refusing to do so. Cyprus has gone as far as signaling that it will refuse to recognize Kosovo's independence even in the unlikely case Serbia does recognize it.⁵⁷

After fifteen years of *de facto* independence, and of constant European engagement – in sum – Kosovo's EU perspective remains as remote as ever. In recent years, the economic and political crisis within the EU has placed enlargement at the bottom of Europe's priorities. In the current framework of crisis, one cannot realistically expect European leaders to tackle a secondary issue such as Kosovo's international status. Europe's economic crisis, moreover, has gradually affected Kosovo's fragile economy, making it even harder for the young country to converge towards the EU. The attempt to move 'from mission to the Commission' has been met with very limited success. Given the ineffectiveness of local institutions and the volatility of the overall situation, EULEX remains an important element of Europe's presence in Kosovo. Brussels' attempt to guide the young country's transformation through conditionality has led to important progress when it comes to the international dimension of Kosovo's 'stateness problem'. Conditionality, however, has failed to decisively impact Kosovo domestically.

⁵⁶ Kosovo citizens filed more than 17,000 applications for political asylum with EU member states during 2013.

⁵⁷ See Ker-Lindsay (2012), p. 91. Cyprus Foreign Minister explained during a recent visit to Belgrade that Serbia will not be obliged to recognize Kosovo at the end of the accession talks with the EU. 'Decisions in the EU – he argued – are adopted by a consensus and we have five EU member countries which do not recognize Kosovo's current status.' Quoted in "Serbia will not have to recognize Kosovo," *B92* (March 3, 2014).

Let us begin our analysis of Kosovo's current situation by focusing on the economy, and on how the long European economic crisis has affected economic development in the youngest country in the Western Balkans.

4. Beyond the status issue:

Kosovo's struggle for economic development

As we explained in our analysis of Bosnia, there are different mechanisms through which the financial and economic crisis that hit the EU in 2008 was transmitted to Europe's periphery – and, more specifically, to Western Balkan countries. First, the slowing down of industrial production in the EU tended to lead to a drop in the demand for Western Balkan' exports – especially when it came to commodities. This resulted into a contraction of Western Balkan countries' GDP. Secondly, economic instability within the EU affected Europe's willingness to invest abroad, thus lowering the level of FDI throughout the Western Balkans. Third, the crisis of the banking system in EU countries that had acquired a leading position in the Western Balkans (major Greek and Italian banks come to mind) tended to translate into a credit crunch throughout the region, thus spreading the effects of Europe's crisis to the continent's periphery.

The economic crisis, however, had very different effects in different Western Balkan countries. Empirical studies have demonstrated that the central factor to account for such a high degree of variability is the degree of economic integration of

each country with the EU.⁵⁸ Basically, the more closely integrated one country is, the stronger the effects of the economic crisis tended to be.

This factor helps explain why Kosovo – the least developed and integrated economy in the region – managed for a time to avoid the full impact of Europe’s crisis. With respect to other Western Balkan economies, in fact, Kosovo’s economic performance during the global economic crisis was relatively encouraging. Eventually, the overall climate of uncertainty characterizing Europe’s economy tended to make itself felt in Kosovo as well, yet arguably the recent economic difficulties depend more on the domestic environment than on the international situation.

A good starting point to analyze the effects of the economic crisis on Kosovo is to compare its performance in terms of GDP growth with that of its neighbors. It is easy to note how the newest country in the region has fared relatively well under this respect, showcasing a solid – if slowing – economic growth throughout the period.

⁵⁸ European Commission (2009) and EBRD (2009).

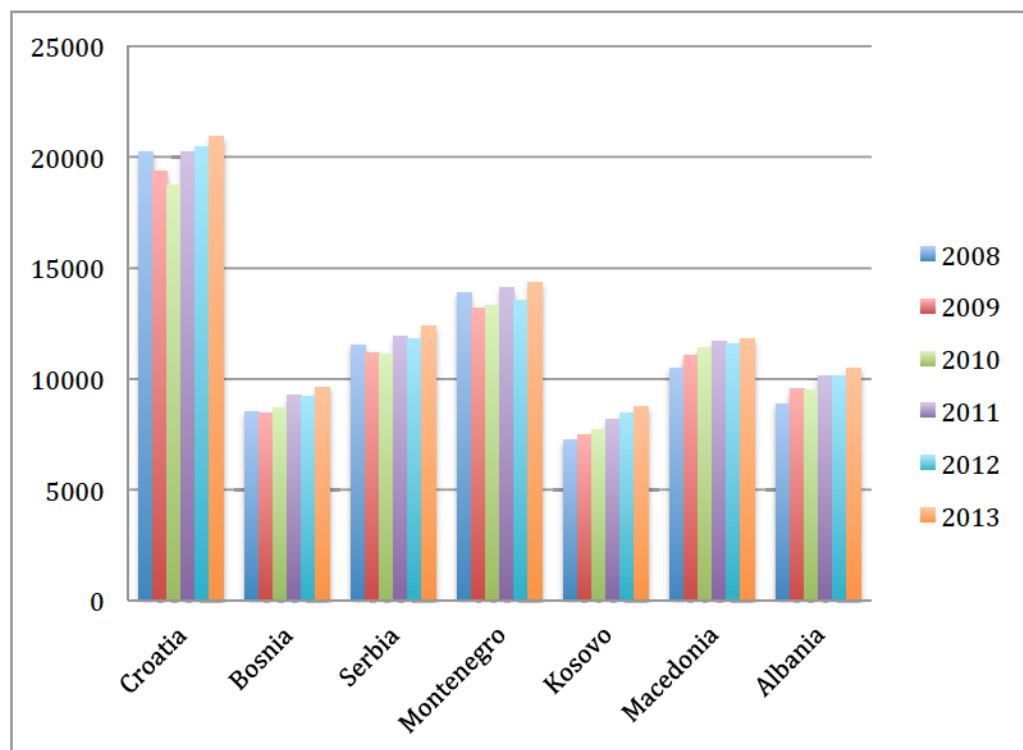
Table 5.1: GDP growth in percentage points.⁵⁹

	2006	2007	2008	2009	2010	2011	2012	2013
Croatia	4.9	5.1	2.1	-6.9	-2.3	-0.2	-2.2	-0.9
Bosnia	5.7	6.1	5.6	-2.7	0.8	1.1	-1.2	2.1
Serbia	3.6	5.4	3.8	-3.5	1	1.6	-1.5	2.5
Montenegro	8.6	10.7	6.9	-5.7	2.5	3.2	-2.5	3.5
Kosovo	<u>3.4</u>	<u>8.3</u>	<u>4.5</u>	<u>3.6</u>	<u>3.3</u>	<u>4.4</u>	<u>2.8</u>	<u>3.4</u>
Macedonia	5.1	6.1	5	-0.9	2.9	2.8	-0.4	2.9
Albania	5.4	5.9	7.5	3.4	3.5	2.3	1.1	0.4

Moderate GDP growth, however, does not necessarily indicate a stable and promising socio-economic situation. Kosovo's per capita GDP, in fact, remains the lowest in the region – and in Europe as a whole. High unemployment – estimated at over 40 percent – is chronic and persistent. The potential for social unrest – one can safely argue – remains high.

⁵⁹ Based on data from the IMF World Economic Outlook, available on <http://www.imf.org/external/data.htm#data> [accessed 09.01.2014].

Figure 5.1: Per capita GDP in USD (PPP) in Western Balkan countries.⁶⁰



Kosovo's trade balance remains hugely negative, posing a major challenge for local policymakers.⁶¹ Kosovo's manufacturing sector remains underdeveloped, thus forcing the country to rely almost completely on imported goods. Exporting activity remains very low, concentrating on commodity exports.⁶² The impact of the global economic crisis, as a consequence, was severe on Kosovo exports. On the one hand, traditional EU markets – Italy alone accounts for almost 30 percent of Kosovo's total exports – have been suffering due to the crisis. The demand for Kosovo's exports,

⁶⁰ Based on data from the World Bank, available at <http://data.worldbank.org/indicator/> [accessed 09.01.2014].

⁶¹ Most recent data available from the government of Kosovo – related to 2010 – show a trade deficit of nearly 1,900 million euros. Similarly, Eurostat data show that the trade balance between Kosovo and the EU has been consistently worsening over the years and was at a negative 600 million euros in 2013. See the report of the EU Directorate-General for Trade (08.24.2014), available at http://trade.ec.europa.eu/doclib/docs/2011/january/tradoc_147309.pdf [accessed 12.01.2014].

⁶² Lead, zinc, aluminum, copper and ferronickel account for over 50 percent of total exports.

therefore, has been stagnating over the years. On the other hand, the unresolved status issue has been hampering Kosovo's ability to take full advantage of its membership in important regional initiatives such as the Central European Free Trade Agreement (CEFTA). Serbia and Bosnia – traditionally among Kosovo's main regional trading partners – have failed to recognize its independence and, therefore, have been charging Kosovo products full tax charges.

Kosovo remains fundamentally unattractive for foreign investors. After all major privatizations have been concluded in 2007, the flow of FDI into the new country has virtually dried out. Political and economic instability, pervasive corruption, lack of feasible opportunities and low skills of the workforce provide the most convincing explanations of this phenomenon. The impact of the global economic crisis provides an additional – yet arguably marginal – explanation. Falling FDI have confronted Kosovo authorities with a series of pressing issues. Not only did Kosovo witness the decline of one of the main and most reliable sources of foreign capital, but it lost a crucial mechanism favoring the transfer of technological know-how, granting access to world markets, and prompting ever-closer integration with Europe's common market.

Table 5.2: FDI as a percentage of total GDP in Western Balkan countries.⁶³

	2006	2007	2008	2009	2010	2011	2012	2013
Croatia	6.5	8.3	8.4	5.5	1.4	2	2.4	1
Bosnia	6.8	11.8	5.4	0.8	2.6	2.6	2.1	1.8
Serbia	17	8.8	6.3	4.8	3.6	6.2	0.9	3.2
Montenegro		25.5	21.2	37.3	18.4	12.4	15.3	10.1
<u>Kosovo</u>	<u>9.4</u>	<u>12.7</u>	<u>9.3</u>	<u>7.3</u>	<u>8.5</u>	<u>8.2</u>	<u>4.5</u>	<u>4.9</u>
Macedonia	6.5	9	6.2	2.8	3.2	4.8	3	3.7
Albania	3.6	6.1	9.6	11.2	9.1	8.1	7.5	11.5

Kosovo's banking system – although generally operating on sound grounds – was in no position to generate domestically the capital needed to modernize inadequate local infrastructure and launch a credible process of economic development in the country. The fact that roughly 90 percent of the banking system is owned by foreign – more specifically, EU – banks tended to transfer directly to Kosovo the uncertainty characterizing Europe's banking sector in times of economic crisis.

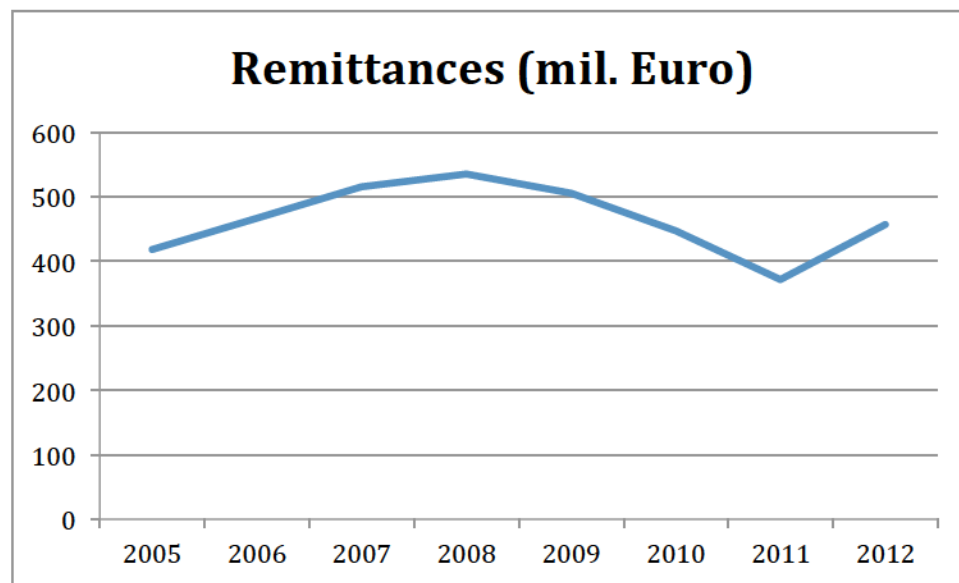
As a consequence of these domestic and international dynamics, Kosovo remains crucially dependent on remittances and foreign aid. Unsurprisingly, the economic crisis in the EU tended to affect also these primary sources of income for Kosovo.

Data show that remittances declined from around 19 percent to roughly 16 percent of GDP over the period 2010-2013.⁶⁴ Studies show that low-skilled,

⁶³ Based on data issued from the World Bank, available at <http://data.worldbank.org/indicator/> [accessed 09.01.2014].

relatively insecure immigrant workers tend to be particularly vulnerable in times of crisis. Remittances, accordingly, tend to decline.⁶⁵ The impact on a low-income country such as Kosovo – where citizens spend over 65 percent of remittances on primary needs such as basic consumption, clothing and shelter – is particularly significant.⁶⁶ The decline of such a crucial source of income increases the potential for social unrest and makes the exacerbation of an already unstable situation more likely.

Figure 5.2: Total of annual remittance incomes in Kosovo.⁶⁷



⁶⁴ World Bank (2014), Fig. 11. Kosovo remains one of the top receivers of remittances in post communist Europe and, indeed, globally.

⁶⁵ Orozco (2009). Riinvest Institute (2007) explains that more than 80 percent of Kosovo diaspora workers work in low-skilled professions. 50 percent, moreover, are employed in manufacturing and constructions – two sectors that are particularly sensitive to the business cycle.

⁶⁶ Riinvest Institute (2007).

⁶⁷ Data issued by UNDP (2012); Kosovo Agency of Statistics (2013).

Foreign aid has remained a steady and indispensable source of income for Kosovo. Very significantly, the global economic crisis has had a very limited impact on the amount of money the small country has been receiving. The EU – which disburses more than 60 percent of the total international assistance through the IPA instrument – has maintained its level of commitment towards Kosovo steady throughout the crisis. A strategy paper adopted in August 2014 earmarks roughly 650 million Euros for Kosovo assistance over the period 2014-2020.⁶⁸

Furthermore, the EU has tried to solve the problem of declining FDI by finally granting Kosovo membership in the European Bank for Reconstruction and Development (EBRD), a step that had been under consideration for years. As Commissioners for Economic and Monetary Affairs Olli Rehn, and for Enlargement Stefan Füle jointly declared, membership in the EBRD has been seen as the best way to secure ‘greater financing’ and to ‘contribute to promoting Kosovo’s socio-economic development,’ representing ‘another step that will help Kosovo tackle the challenges on its European path.’⁶⁹

As this brief analysis suggests, in sum, the euro-zone crisis had a measurable impact on Kosovo’s economy. A steady flow of foreign aid and a continuing stream of remittances from the diaspora shielded the country from the full impact of the crisis. Despite its relative stability, however, Kosovo’s economic model remained

⁶⁸ European Commission (2014).

⁶⁹ European Commission, Press Release (November 16, 2012), available at http://europa.eu/rapid/press-release_IP-12-1227_en.htm?locale=en [accessed 09.01.2014]. Kosovo actually joined the EBRD on December 17, 2012. Until August 31, 2014, 37 projects had been launched by EBRD for a total disbursement of 73.5 mil. Euros.

inherently unsustainable over the longer term.⁷⁰ The domestic productive base remained extremely narrow. Exports, as a consequence, stagnated. Domestic companies remained for the most part unable to compete successfully in local and international markets. Kosovo's economy remained critically dependent on external support to sustain itself. The use of the euro as currency deprived Kosovo of traditional monetary policy instruments, thus making the need for structural reform even more pressing. Once again – international observers pointed out – the consolidation of effective and accountable democratic institutions, the establishment of the rule of law, the reform of education and the improvement of the business environment seemed the only viable strategy for Kosovo to increase its attractiveness in the eyes of foreign investors, thus securing economic development and modernization. Once again, the transformation of Kosovo – from a post-conflict, impoverished environment to a consolidated, modernizing country – seemed the only exit strategy for the international community.

5. Between democratization and democratic consolidation:

Kosovo's unfinished transition

Beyond the economic effects discussed in the previous section, the euro crisis had a strong political impact on Kosovo, and on the credibility of the EU in Kosovo. Enlargement in the Western Balkans tended to virtually disappear from European

⁷⁰ World Bank (2014).

agendas. The EU – that had been struggling to move beyond a long and painful reflection phase after the constitutional crisis of 2004 – found itself once again mired in pressing domestic problems. Intellectual and physical energies were increasingly redirected towards bridging the widening solidarity gap within the euro zone. An increasingly anxious public seemed hardly permeable to the idea of a new round of enlargement. Leading politicians were not willing to spend any political capital on the enlargement agenda. The effects of the economic crisis quickly discredited the Greece-sponsored Agenda 2014 – the only potentially meaningful initiative to put enlargement in the Western Balkans back on Europe’s main table.⁷¹

In the absence of a credible road map for enlargement, Europe remained largely in the background during the campaign for the June 2014 general election. All parties formally supported Kosovo’s ambitions to join the EU. As a consequence, the country’s European future – and the necessary reform to move along the European path – hardly represented an issue during the electoral campaign.

Electoral results were inconclusive, leading to a six-month-long constitutional crisis. Wartime-leaders-turned-politicians – Thaci and Haradinaj in particular – engaged in a long struggle for power, while the weak President – US-sponsored Jahiaga – proved unable to resolve the impasse. The publication – in July of 2014 – of the results of a three-year special investigation linking leading political

⁷¹ Kekic (2011). See also Koktsidis *et al.* (2014).

figures with wartime crimes against humanity, violence and abuses against Serb and Roma minorities heated the political climate in Pristina.⁷²

All through this phase the EU remained remarkably passive, unable to convince local leaders to work towards a compromise solution. In the fall of 2014, an unprecedented corruption scandal involving EULEX broke out.⁷³ Once again, pressure for the termination of the mission mounted, putting the EU on the defensive. Brussels' new foreign policy chief Federica Mogherini immediately promised to send an independent investigator to Kosovo.⁷⁴ Europe's very credibility, nonetheless, was damaged; its capacity to guide the delicate political transition in Kosovo was greatly diminished.

Western diplomatic pressures succeeded in excluding the openly anti-EULEX party *Vetevendosje!* from the negotiations for the creation of the new government. Instead they openly lobbied for the inclusion in the executive of Northern Kosovo Serbs, in the attempt to translate the effects of the EU-sponsored Brussels Agreement into Kosovo's political system. Finally, in December 2014 a government was formed under the leadership of former mayor of Pristina Isa Mustafa that saw Northern Kosovo Serb Aleksandar Jablanovic as Deputy Prime Minister.

⁷² The investigation had been taken away from EULEX in 2011 because of concerns that witnesses were not been given sufficient protection. A Special Investigative Task Force led by American prosecutor Clint Williamson had been therefore tasked with the continuation of the investigation. See Julian Borger, "Senior Kosovo figures face prosecution for crimes against humanity," *The Guardian* (July 29, 2014).

⁷³ Julian Borger, "EU accused over its Kosovo mission: 'Corruption has grown exponentially,'" *The Guardian* (November 6, 2014); "Small Balkan scandal," *The Economist* (November 15, 2014). See also Capussela (2015).

⁷⁴ Laurence Norman, "EU appoints expert to lead corruption probe at Kosovo mission," *The Wall Street Journal* (November 10, 2015).

The difficult translation of the Belgrade-Pristina dialogue into Kosovo domestic politics, however, became immediately apparent. In January of 2015 – just forty-five days after the formation of the government – Jablanovic made public incendiary remarks against Kosovo Albanians, stirring the most violent wave of demonstrations in the history of the young country.⁷⁵ Once again, Kosovo looked on the brink of social unrest and conflict. Difficult inter-ethnic relations was just one of the factors causing the 2015 wave of demonstrations. Protesters showed their frustration with what they perceived as a weak, ineffective government on issues such as economic stagnation, widespread poverty, and massive unemployment. They feared that the participation of Serb representatives in Kosovo national politics represented a Trojan horse in the hands of Belgrade, capable of disrupting the already limited effectiveness of Pristina's institutions.⁷⁶ They saw Europe's focus on the normalization of relations with Belgrade as an open-ended process leading nowhere. They demanded real independence from the EU – as well as from Serbia. Protesters – a Pristina-based analyst pointed out – were losing hope of true independence, fearing that Kosovo would turn from being a Serbian province to permanently being a colony of the EU.⁷⁷

Fifteen years after NATO's military intervention, seven years after independence and two and a half years after the formal termination of international

⁷⁵ Una Hajdari "Clashes erupt as thousands protest in Kosovo," *BalkanInSight* (January 27, 2015); "Kosovo police use tear gas to clear anti-gov't protesters," *Daily Mail* (January 27, 2015); "Police clashes with crowd at protest over minister," *BBC News* (January 27, 2015).

⁷⁶ Hopkins (2015).

⁷⁷ Quoted in Hopkins (2015).

supervision, in sum, the situation in Kosovo looks as complex as ever. The economy remains weak – as demonstrated by the long stagnation of recent years. Institutions remain characteristically fragile and the political system underdeveloped – as demonstrated by the long constitutional crisis following the 2014 general election. The potential for social unrest and for violent outbursts remains high – as demonstrated by the long series of protests and demonstrations characterizing the last decade. Even the progress achieved on the Belgrade-Pristina Dialogue risks – at least in the short to medium term – to destabilize Kosovo’s fragile internal equilibriums, leading to further polarization on inter-ethnic relations and to the complete deadlock of democratic institutions.⁷⁸

Fifteen years after NATO’s bombings, Kosovo seems increasingly drifting in an endless transition without real democratic consolidation – never completely stabilized and always waiting for the next wave of violent protest.⁷⁹ In this context, Europe’s attempt to transform the young country from a divided post-conflict environment into a modern democracy with credible prospects of integration in the EU has *de facto* failed. Enlargement remains confined in a far and obscure future. In the absence of a clear road map towards enlargement, EU conditionality has failed time and again to transform the domestic dynamics of Kosovo’s politics, to secure real democratic consolidation, and to prompt reform and modernization. Europe’s strategy to redirect its commitment in Kosovo ‘from mission to the Commission’ has

⁷⁸ As this study was being finalized – on February 3, 2015 – Deputy Prime Minister Jablanovic was demoted from his post as a result of demonstrations. The situation in Pristina, nonetheless, remained extremely tense, and the long-term effects of this new crisis remained to be seen. See Fatos Bytyci, “Kosovo fires ethnic Serb minister to aver more violence,” *Reuters* (February 3, 2015).

⁷⁹ Cocozelli (2013). On the complex relationship between democratization and state consolidation, see Carbone and Memoli (2015).

clearly shown its limits in the absence of credible prospects of enlargement.

Similarly, Europe's attempt to exercise executive authority within the young country – through EULEX for instance – is no longer tenable. The recent corruption scandal and its effects in the local public opinion clearly demonstrate that the time of direct international authority in Kosovo is over. EULEX will likely be closed down by 2016, thus depriving Europe of the last remnants of its executive powers.

In 2015, Europe's interest in Kosovo – and the Western Balkans as a whole – is at an all-time low. The emergence of more pressing priorities – domestic and international – has distracted Europe's attention and diverted its energies. With the notable exception of the Belgrade-Pristina Dialogue, Europe's capacity to take the initiative in Kosovo seems greatly diminished.⁸⁰ Its capacity to re-imagine its role in the context of an increasingly tense situation seems limited. Its frustration with the lack of progress in what has been its grandest experiment in state building is palpable.

Writing in 2005, the International Commission on the Balkans noted that Europe's engagement in the region could lead to only two alternative outcomes: enlargement or empire.⁸¹ If enlargement fails – the Commission warned – Europe will be tied in an open-ended imperial relationship in the Western Balkans, especially when it comes to fragile post-conflict countries such as Bosnia and

⁸⁰ As explained above, however, the dialogue between Serbia and Kosovo hardly serves as evidence of Europe's transformational role in Kosovo. The whole initiative, in fact, was based on the relationship between Brussels and Belgrade. Kosovo leaders accepted it in order to establish themselves and their country as legitimate international actors.

⁸¹ International Commission on the Balkans (2005).

Kosovo. With the benefit of hindsight, now, one can argue that none of those dichotomous alternatives is likely to be realized, at least in the medium term. Enlargement has failed to materialize. Empire is politically untenable.

Undoubtedly, the EU is bound to remain involved in Kosovo for a long time in order to provide acceptable levels of internal stability and regional security. Nonetheless a re-negotiation of the terms of Europe's engagement in the young country is in order. Where such a re-negotiation will lead, remains to be seen. What is unquestionable, in 2015, is that Kosovo represents an open question for the EU – a disquieting hole in the European construction, and an 'unfinished business' that challenges Europe's own credibility.⁸²

⁸² See Dzihic and Hamilton (2012).

Chapter 6

A farewell to the transformative power:

Drawing some lessons from Bosnia and Kosovo

Enlargement is all about the process. That is why my formal title is

'Commissioner for European Neighborhood Policy and Enlargement *Negotiations*.'¹

Lowering the bar and changing the EU conditionality –

that is not something that is on the agenda.²

In his recent, provocative *divertissement*, Balkan-expert Florian Bieber summarizes to what extent years of attempted Europeanization have damaged the credibility of the EU in Bosnia, Kosovo, and throughout the Western Balkans. Playing a modern-day Machiavelli to his 21st-century Balkan Prince, Bieber explains:

¹ EU Commissioner for Enlargement Johannes Hahn's remarks (*Eastern Partnership: The Way Forward after Riga*) at the Atlantic Council of the United States in Washington, DC (June 4, 2015) (italics added).

² "Remarks by High Representative/Vice-President Federica Mogherini at the end of the visit to Bosnia and Herzegovina, together with Commissioner Johannes Hahn" (December 5, 2014). Available at http://ec.europa.eu/commission/2014-2019/hahn/announcements/remarks-high-representativevice-president-federica-mogherini-end-visit-bosnia-and-herzegovina_en [accessed 06.01.2015]

You may not really care or understand the EU and this is fine, but wanting to join the EU is a must. Without this, you probably would not have got elected considering that all voters want EU membership. Furthermore, you could be left out in the dark if you don't support the EU, as forming a government requires a stamp of approval from the EU. Thus, want the EU, but throw in a dose of ambiguity. Being too pro-European these days seems like trying too hard with a partner who doesn't really want you. Thus, throw some doubts on the project.³

And again:

Dear Prince,

Ruling is like dancing on the edge of a volcano. You can only rule if you claim to be a democrat in favor of EU integration, but you can only continue your rule for a long time by not acting on these claims. Both will bring others to power and might bring you to jail. Thus, you need to walk the tight line between saying the right things to your voters and the EU, and doing something else.⁴

In the spring of 2015, Europe's credibility is at an all-time low in Bosnia and Kosovo. Years of attempted consolidation have carried limited results. Progress towards EU integration has stalled, caught between local post-conflict dynamics and

³ Bieber (2015).

⁴ Bieber (2015).

Europe's own internal crisis. Political and economic stagnation has become a characteristic feature of both Bosnia and Kosovo.

Public opinions wave between passive acceptance, and violent outbursts of frustration. They overwhelmingly favor EU integration. At the same time, they are increasingly impatient with Europe's hefty, yet indecisive presence on the ground.

Local politicians are cynical and opportunistic when it comes to the EU. They have learned to talk Europe's talk, yet they stubbornly refuse to walk the walk. The postwar ethnic cleavage – subsumed in the two countries' fragile institutions – has impoverished the political debate, reducing it to a series of mono-ethnic platforms.⁵ Under these conditions, politicians from all ethnic groups have no incentive to reform. They cooperate *de facto* to the preservation of the *status quo*.⁶

Enlargement is at the bottom of European leaders' agenda. The euro crisis and immediate security threats in Eastern Europe and the Mediterranean have drawn Europe's undivided attention. In the absence of resolute leadership, Europeanization has lost momentum and direction, leaving Bosnia and Kosovo as two black holes at the heart of the European construction.

The war in Bosnia ended twenty years ago. Kosovo started its post-conflict transition fifteen years ago. During this period, the EU has emerged as the preeminent actor in the region. It has taken responsibility for the stabilization, transformation and integration of the whole Western Balkans. It has invested an unparalleled amount of its credibility – and resources – in Bosnia and Kosovo.

⁵ Dzihic and Wieser (2011).

⁶ Bieber (2011); Reeker (2013).

Europe's engagement in Bosnia and Kosovo, nonetheless, cannot be told as a success story. State building and enlargement have clashed, ultimately undermining each other. Europe's transformative power – postulated by the literature on Europeanization – has failed to materialize. Over-inflated expectations have been frustrated. Ambitions have been often reviewed, and lowered. To put it simply, Europe has failed in Bosnia and Kosovo.

The implications of this failure are important both from the theoretical and the practical point of view.

From a theoretical point of view, Europe's failure highlights the limits of the transformative power when it comes to post-conflict environments. More accurately, it questions the very existence of such a transformative power. It suggests that the theoretical system built around the concept of Europeanization has lost relevance, particularly since enlargement has been shifting towards more peripheral and complex cases of transition. It indicates that the transformative power narrative needs to be abandoned in order to finally explain the developments – or lack thereof – in Bosnia and Kosovo. It urges the scholarly community to free itself from the intellectual straitjacket of Europeanization to make better sense of the interaction between the EU and its increasingly volatile surroundings.

From a practical point of view, Europe's failure in Bosnia and Kosovo has major implications at regional, European, and global level.

At regional level, it urges Europe to finally make a conscious choice between state building and enlargement. Conditionality has failed to transform Bosnia and Kosovo – previous chapters explain. Still, the EU has a vested interest in integrating them. Enlargement in the Western Balkans needs to be finalized sooner or later, and Bosnia and Kosovo cannot be left in limbo for long. Europe – as a consequence – needs to assess the situation realistically, identifying its strategies and its priorities.

At European level, the failure in Bosnia and Kosovo implies that enlargement is not a viable strategy for conflicted areas, or for post-conflict countries. It is unlikely that enlargement – after failing to solve relatively small problems such as Bosnia and Kosovo – may be useful in more complex situations (such as Ukraine, for instance). Europe's foreign policy toolkit – in this perspective – needs to be reshuffled to respond to the challenges of an increasingly unstable regional context. Enlargement needs to be set aside and preserved for a better time, when both internal and international circumstances will be more favorable.

At global level, Europe's failure in Bosnia and Kosovo sends a powerful warning signal about the limits of state building. Decades of constant, costly engagement by a powerful, highly motivated international actor have failed to produce real stability and full democratic consolidation in two small countries that presented nearly ideal characteristics for success. This suggests that interventions in more remote areas – where conditions are less favorable – may lead to even more problematic outcomes. The crisis of Europeanization – in this sense – combines with the crisis of liberal internationalism, highlighting the limits of international interventions in deeply divided, highly polarized post-conflict environments. It calls

for a realistic assessment of the conditions under which interventions take place. It suggests that the lowering of over-inflated transformational expectations – particularly in the West – may be an effective security strategy in an increasingly unstable world.

1. Questioning Europe's transformative power:

The European failure in Bosnia and Kosovo

Bosnia and Kosovo represent perfect case studies to analyze the effects and the limits of Europe's transformative power. After roughly two decades of EU involvement in the region, moreover, the time seems ripe for an assessment that – if not final – has a solid basis in fact.

In theory, the conditions for the EU to successfully transform Bosnia and Kosovo are optimal. Both countries are very small. Bosnia's population amounts to less than four million people. Kosovo has less than two million citizens. Geographically, they are placed in the heart of Europe, virtually encircled by the EU. Historically and culturally, they are and feel like an integral part of Europe. Economically, they have been largely integrated in Europe's sphere of influence – most notably during the last two decades of sustained EU presence on the ground. Strategically, they are firmly included in the Euro-Atlantic sphere – also because of the massive presence of Western military forces in theater. Political elites in both countries support – at least rhetorically – European integration as their only long-

term strategic option. Public opinions overwhelmingly favor a European future for their countries. Competing international influences, finally, are no match for Europe. Powers such as Turkey and Russia admittedly play a role throughout the Western Balkans – and in Bosnia and Kosovo in particular. Yet for the most part, they merely aim at maximizing their influence on the cheap, exploiting Europe's difficulties and contradictions.⁷ Their political, economic and strategic impact on Bosnia and Kosovo does not remotely compare to Europe's.⁸

If 'asymmetric interdependence' between the EU and candidate countries is the necessary foundation of the Europe's transformative power – as the Europeanization literature explains – nowhere is that interdependence more asymmetric than in the cases of Bosnia and Kosovo. Both countries are dependent on the EU for their very survival. They need the EU to find domestic and international legitimacy. They see no long-term alternative to Europe and European integration.

Europe has put its international credibility on the line on the transformation of Bosnia and Kosovo. As a consequence, it has a strong motivation to succeed. Although the Western Balkans have virtually disappeared from the agendas of top European officials, the commitment of the EU to Bosnia and Kosovo remains disproportionate both in terms of disbursement and in terms of intellectual

⁷ See Dimitar Bechev, "Russia in the Balkans: Perceptions and Realities," *Balkan Insight* (March 17, 2015). See also Poulain and Sakellariou (2011).

⁸ Joseph and Bugajski (2014), however, see Russia's influence in the region dangerously on the rise.

elaboration. Over the past two decades, the EU - often in partnership with the U.S. - has gone the extra mile in order to create innovative, effective institutions capable of breaking the post-conflict deadlock in the two countries. The executive powers of the OHR in Bosnia and EULEX in Kosovo can be seen as the original outcome of this unprecedented effort. Over the years, Bosnia and Kosovo have had a critical impact on Europe's foreign policy structures. They have prompted the launch of the ESPD. They have led to the empowerment of the offices of the EUSR on the ground.⁹ They have shaped Europe's self-perception in foreign and security policy for the years to come. As a consequence, they have exerted a decisive influence on the Euro-Atlantic community as a whole. It is safe to argue, in sum, that Bosnia and Kosovo have had a unique transformative effect on the EU. In the attempt to transform Bosnia and Kosovo, the EU has been forced to transform itself.

Despite the promising starting conditions mentioned above, however, the EU has failed to decisively transform Bosnia and Kosovo. It is impossible - as a consequence - to tell this story as a success. Two decades of sustained and costly engagement by the international community - with the EU at its core - have left many of the problems of the two countries untouched. Large-scale political violence has been avoided - and that is by no means a negligible achievement in its own right. Democratic and economic consolidation, however, have proved elusive goals. Convergence towards European standards has stalled. Progress towards European integration has been limited and subject to recurring reverses.

⁹ Grevi (2007).

Chapter 1 provides an overview of the vast scholarly literature on Europe's transformative power. In order to describe the relatively smooth process of post-communist transition in the CEECs – it points out – the scholarly community developed the concept of Europeanization. It defined it as the transformational process by which the EU – through a mix of inducements and sanctions – manages to exert an overpowering influence on candidate countries. Such an influence is instrumental to changing transitioning countries' national patterns of governance, and to guiding them on a converging path leading to EU membership. The EU – Vachudova explains in one of the most influential studies on post-communist transition – transforms candidate countries through a combination of 'passive leverage' and 'active leverage.'¹⁰ On the one hand, it exerts influence thanks to the sheer power of attraction of EU membership. On the other hand, it reforms the candidate country from the inside by setting a wide range of membership criteria. The inherent asymmetry between a powerful EU and a peripheral candidate country makes the latter's national system of governance permeable to European norms and policies.¹¹ As a consequence, it pulls transitioning candidate countries towards the EU, prompting democratic consolidation, economic liberalization, convergence towards EU standards and – finally – EU accession.

¹⁰ Vachudova (2005).

¹¹ Olsen (2002), p. 924.

Chapters 2 to 5 prove that this transformative mechanism – postulated by the theorists of Europeanization – has not worked in the cases of Bosnia and Kosovo.

In Bosnia, the Dayton Agreement has *de facto* crystallized wartime dynamics and equilibriums. It has imported the ethnic cleavage in the constitution, and created an unsustainably cumbersome institutional system.¹² Attempts at reform have proved futile. Democratic consolidation within the framework of the Dayton constitution has been slow and contested. The attempt to force the political deadlock from the inside – transforming Bosnia by means of the OHR and the Bonn Powers – has failed amidst cries of lack of democracy and neo-colonialism.¹³ The attempt to drive change from the outside – resorting to the power of EU external governance – has rapidly crashed against an impermeable political system and a disheartening heap of ineffective institutions. The rhetoric of ‘local ownership’ of the transition process has quickly revealed itself for what it really is, namely the evidence of Europe’s receding ambitions in Bosnia.

Twenty years after the war, Bosnia remains a dysfunctional state with ineffective institutions. Its polity remains divided and largely separated along ethnic lines. Political leaders are characteristically self-referential and unaccountable. The public opinion swings between passive acceptance of the *status quo* and impatience with a permanently deadlocked situation. The economy has been stagnating. Reform has been slow. The potential for violent outbursts of social

¹² Keane (2002).

¹³ Chandler (1999); Knaus and Martin (2003); Knaus and Cox (2004); Caplan (2005); Chandler (2006).

discontent is on the rise – as the demonstrations of the spring of 2014 show. Bosnia, in sum, has been stuck in a permanent postwar phase. The implementation of an agenda of democratic consolidation, economic modernization and European integration has shifted from the realm of policy to that of empty rhetoric.

In Kosovo, the failure to agree on a common position on the status issue has represented Europe's original sin. It has undermined its credibility and confused its strategy from the start. It has led to the paradox that the EU – Kosovo's most important economic and political partner, the biggest donor, and the actor primarily responsible for the rule of law through its EULEX mission – does not have a formal delegation in the country. The transformation of Kosovo from the inside – using the office of the ICO, modeled after Bosnia's OHR – was never attempted, fearing that it would stir a new wave of accusations against Brussels' neo-colonial intent.¹⁴ The attempt to base Europe's transformative power on conditionality has been met with limited success in the absence of credible prospects of enlargement. In theory, a healthy dose of 'constructive ambiguity' has kept the path to accession open for Kosovo. In reality, Kosovo has remained nothing more than a quasi-state from the point of view of the EU. Undoubtedly, the diplomatic success of the Belgrade-Pristina Dialogue leaves room for optimism when it comes to the stabilization of Kosovo's domestic and international equilibriums. The slow and very partial implementation of the Brussels Agreement, nonetheless, suggests avoiding premature triumphalism.

¹⁴ Author's interview at EULEX, Pristina, Kosovo (May 3, 2012).

Fifteen years after the war, democratization and democratic consolidation in Kosovo are a work in progress. Representative institutions remain fragile; the polity remains deeply divided and polarized; ethno-nationalist rhetoric is firmly placed at the core of the domestic political debate; civil society remains underdeveloped and, often, critically dependent on international support; organized crime has carved a major role for itself, often exerting a direct influence in the political arena. Impatience for the protracted international – and, critically, European – tutelage is mounting. Unemployment remains a national emergency. Discontent with the dire economic situation of the country is rampant. The potential for social unrest is high. Difficult relations with the Serb minority in Northern Kosovo are ready to reignite violence – as the Pristina demonstrations of early 2015 show.

2. Transformative power in post-conflict environments:

Explaining Europe's failure in Bosnia and Kosovo

There are several causes – previous chapters have pointed out – that explain why Europe's attempt at transforming Bosnia and Kosovo has been met with only limited success.

A first explanation points to the fact that Bosnia and Kosovo lack powerful sponsors within the EU that act as facilitators and provide momentum to the accession process. In the case of the CEECs, Germany played that crucial role for

geostrategic reasons.¹⁵ In the cases of successful transitions in the former Yugoslav space – such as Slovenia and, more recently Croatia – Austria and Germany had an interest in keeping the process moving for a mix of economic reasons and a sort of perceived cultural proximity. In the absence of powerful friends within the European club, Bosnia and Kosovo's chances to progress on their accession paths has easily vanished. The momentum for reform, as a consequence, has been quickly lost.

A second explanation centers on the lack of credibility of EU enlargement after Europe's 2004 constitutional crisis and – more importantly – during the long euro-zone crisis. With Europe looking more and more inward in the attempt to restore some degree of internal solidarity, the credibility of further expansion in the Western Balkans has been greatly diminished. Europe's capacity to present powerful incentives, motivate local actors and guide the reform process has suffered. As a consequence, the transformational dynamics of the Europeanization process has stalled.

A third explanation refers to the limits of Europe's coordination in dealing with complex transitions such as Bosnia and Kosovo's. Throughout its long and complex engagement in the two countries, Europe has often been conflicted, divided and – consequently – ineffective. The fact that it has been in charge – directly or indirectly – of both state building and enlargement at the same time has complicated the picture in this respect. As a result, the EU has had a particularly hard time prioritizing among different, often-alternative agendas and identifying a clear chain

¹⁵ See Crawford (1996); Anderson (1997).

of command. The Commission – through the Directorate-General for Enlargement – has been in charge of the enlargement agenda. Its approach has been essentially technical and process-driven. It has focused on accession criteria and standards, on the signing and implementation of the SAA. The EEAS – after the 2007 Lisbon Treaty – has usually taken a different approach, trying to combine state building and enlargement in a single political process. *Ad hoc* agencies – such as EULEX in Kosovo – have taken direct responsibility for state- and institution building. Coordination among different EU agencies – unfortunately – has been less than optimal. While the empowerment of the offices of the EUSR on the ground has undoubtedly improved the situation in this perspective, the EU has kept sending mixed messages, thus losing in terms of effectiveness.¹⁶

Individual states, moreover, have further complicated the picture, often taking initiatives without consulting and coordinating with the EU. In Bosnia, the PIC has provided the international community with an arena for discussion and consultation. European states, however, have often used this venue to antagonize each other and to undermine each other's role. The credibility of the EU and the effectiveness of its efforts have been greatly diminished by the long struggle among European member states. In Kosovo no formal mechanism of coordination among European states has ever been created. As a consequence, Europe's divisions have played into the hands of opportunistic local politicians, who quickly learned to take advantage of Europe's internal contradictions. The split between recognizing and non-recognizing members – in particular – has compromised Europe's position,

¹⁶ Author's interview at the Council of Europe, Pristina, Kosovo (May 4, 2012).

discrediting Brussels and curbing its role. Divided by particular bureaucratic and political interests, and unable to find a cohesive voice, Europe has failed to mobilize its resources, to maximize its influence, and – ultimately – to effectively exert its transformative power on Bosnia and Kosovo.

A fourth and more compelling explanation of Europe's failure points to the fact that Bosnia and Kosovo are two post-conflict, deeply divided countries. In this perspective, the two countries represent an unprecedented challenge for Europeanization. In these cases, in fact, Europe's transformative power has been applied to fragile, deeply divided post-conflict countries that were engaged in a particularly difficult, multifaceted transition.

At the end of the Cold War, the CEECs were confronted with a triple transition: the transformation of the political system from dictatorship to democracy (democratic transition); the transformation of the economic system from command economy to free market (economic transition); and the transformation of government, founding or re-founding the state (governmental transition). Many Western Balkan countries were called to manage a more complex process of transition. As a consequence of the violent break-up of Yugoslavia, in fact, successor states were confronted with a fourth problem: the transformation from war to peace (post-conflict transition). After the war, finally, Bosnia and Kosovo had to deal also with a fifth process of transition: the transformation from a state of dependency on the presence of the international community to self-sustaining statehood (post-dependency transition).

Table 6.1: Multiple transitions in the Western Balkans.

	Democratic Transition	Economic Transition	Governmental Transition		Post-Conflict Transition	Post-Dependency Transition
			Foundation of the State	Re-Foundation of the State		
Albania	X	X		X		
Bosnia	X	X	X		X	X
Croatia	X	X	X		X	
Kosovo	X	X	X		X	X
Macedonia	X	X	X		(Limited impact)	
Montenegro	X	X	X		(Limited impact)	
Serbia	X	X		X	X	

Bosnia and Kosovo's complex multiple transitions were further complicated by what chapters 2 and 4 define as the two countries' 'stateness problem.' This problem – Linz and Stepan explain – stems from the lack of congruence between the *demos* and the *polis*.¹⁷ It originates from a disagreement about the boundaries of the political community and has a direct negative impact on a country's ability to consolidate into a viable, self-sustaining democracy. The state – Robert Dahl reminds us in his classic study of democracy – is the necessary unit in which democratic processes take place. If there is no agreement among the elites and within the generality of the population on the fact that this fundamental unit is 'proper of rightful – if its scope or domain is not justifiable – then it cannot be made rightful simply by democratic procedures.'¹⁸ The congruence between *demos* and *polis* can be restored by means of negotiations, pacts, consociational agreements and

¹⁷ Linz and Stepan (1996), p. 25.

¹⁸ See Dahl (1989), p. 207.

even territorial realignments. In order to do so, nonetheless, all major domestic players need to be willing to contribute to the consolidation of the state – something that cannot be taken for granted, particularly in cases of deeply divided, strongly polarized post-conflict polities.¹⁹

Bosnia and Kosovo – one can safely argue – present sizeable ‘stateness problems.’ In both cases, the mismatch between *demos* and *polis* is the result of the violent process of Yugoslav disintegration. In Bosnia, it has been crystallized into the Dayton constitutional system. It is universally recognized that Bosnia’s cumbersome institutional system – while it secures the balance among different ethnic groups and entities – leaves little room for the integration of different identities, the establishment of a shared narrative and the foundation of a common future. Under such conditions, Bosnia’s polity tends to remain divided, while the process of democratic consolidation advances very slowly. In Kosovo, the ‘stateness problem’ lies less in the constitution than in the fragility of the political system. While most observers see Kosovo’s constitution as perfectly adequate for the needs of the young state, in fact, the chronic lack of legitimacy of the young country’s institutions prevents real democratic consolidation. The open status issue, in particular, is a source of permanent instability, empowering those sectors of the elites and of the public opinion that actively oppose the integration of a state-wide polity and the consolidation of a shared identity.

The presence of a ‘stateness problem’ – the theory of democratic transition suggests – may slow down and curb progress towards consolidation. The formal

¹⁹ For the classic analysis of democracy in multinational states, see Lijphart (1977).

establishment of institutions – Geoffrey Pridham explains – is only a prerequisite of actual democratic consolidation.²⁰ A political system is consolidated in stages: *constitutional consolidation* is followed by *representative consolidation*, then by *behavioral consolidation* and – finally – by the *consolidation of the civic culture*. Throughout this complex process, local elites come to recognize the system as legitimate and without alternatives, and the generality of the population conforms its attitudes, patterns of behavior and values to reflect a stable belief in the authority and legitimacy of that political system.²¹

A common national identity – in this perspective – has historically proved to be a powerful foundation for the development of political communities and, therefore, for statehood consolidation. This does not amount to say that only nation-states can evolve into consolidated states and develop effective democratic institutions. Multinational states such as Belgium represent examples of well-developed, essentially stable democracies. They can even serve as models of how to facilitate compromise in divided polities.²² As a general rule, nonetheless, the lack of national solidarity within the population and among political forces can be expected to hamper the crafting of the necessary norms, practices and institutions that would enable the political and institutional consolidation of the state.²³ In Linz and Stepan's terms, the lack of congruence between *demos* and *polis* tends to make

²⁰ Pridham (1995).

²¹ Pridham (1995), p. 168.

²² See Stroschein (2003).

²³ According to Max Weber, solidarity comes as a consequence of the feeling of belonging to a nation. The concept of nation – he points out – ‘means above all that it is proper to expect from certain groups a specific sentiment of solidarity in face of other groups.’ See Weber (1978), pp. 921-26.

the process of democratic consolidation more difficult and its outcome more unpredictable.

Faced with complex multiple transitions and with the inability to develop shared national narratives and a common sense of direction, Bosnia and Kosovo have struggled to transition and consolidate into self-sustaining democratic states. Their young-rooted institutions, fragile political systems and untested technical capabilities have been strained immensely. Pressed by the need to stabilize the two countries – thus preventing new outbursts of political and inter-ethnic violence in the wider Western Balkans – Europe had little choice but to step up to the plate. Europeanization – a mechanism that had proved successful in stabilizing and reforming relatively consolidated states in Central and Eastern Europe – had to be adjusted to fragile, highly polarized post-conflict environments. Gradually the EU took responsibility for a complex state building operation aimed at re-building Bosnia and Kosovo from the ground up. Inexperience with state building – and lack of a clear strategy – led Europe to attempt something that had never done before: to apply the transformative power of Europeanization to state building, trying to foster state and democratic consolidation by using the active and passive leverage of conditionality.²⁴

It soon became apparent, however, that state building and enlargement are very different processes. They follow rationales that are not always easy to reconcile. Their agendas may overlap partially, yet their final goals are

²⁴ Vachudova (2005).

fundamentally different. State building tends to stabilize and strengthen the existing political and institutional system. Enlargement aims at transforming the system through a series of reforms. State building aims at creating local state capacity. Enlargement assumes state capacity as a precondition for change.²⁵ Furthermore, state building and enlargement differ when it comes to their temporal horizon. State building is by definition an open-ended process that ends whenever the growth of local capabilities allows for the establishment of a viable, self-sustaining state. Enlargement – on the contrary – needs a well-defined, relatively short temporal horizon. Failure to advance towards accession fatally undermines the legitimacy and effectiveness of the process. Finally, state building and enlargement differ when it comes to the role played by the international community. In the former the international community plays a critical, yet limited role: it assists, facilitates and guides the process of consolidation. In the latter the EU positions itself at center stage, trying to overcome the resistance of the local actors by manipulating their cost-benefit calculations, finally transforming – Europeanizing – the applicant country.

Caught between state building and enlargement, the EU has lost focus and impact. The tension between OHR and EUSR in Bosnia clearly illustrates this point. While the OHR is tasked *ex officio* with the preservation of postwar equilibriums in order to guarantee peace and stability, the EUSR tends to go beyond postwar stabilization to foster real consolidation and convergence towards the EU. The irreconcilable tension between these two diverging drives has hampered the

²⁵ Börzel and Risse (2010).

efficacy of both processes. The fact that the EU has been in charge – directly or indirectly – of both offices has necessarily called Europe’s credibility into question. The fact that, for a long period, both positions coincided in the person of a single EU official has made Europe’s position untenable.

3. Exposing Europeanization’s house of cards:

A farewell to the transformative power

Scholars of Europeanization have been struggling to find a theoretical explanation of the reason why Europe’s transformative power has failed to materialize in cases such as Bosnia and Kosovo. A theoretical model initially based on the overwhelming power of EU external governance has been complemented with a growing emphasis on domestic strategies of adaptation. Increasingly, the empirical research on Europeanization has been focusing on the limits of Europe’s transformative power – particularly since enlargement has shifted to marginal and complex cases of transition. Recent empirical analysis has tried – one way or another – to reconcile the Western Balkans’ unfinished transition with the theoretical system that postulates the transformative nature of the Europeanization process.²⁶

²⁶ Dolenec (2008); Elbasani (2009); Noutcheva (2009); Börzel (2011); Subotic (2011); Elbasani (2012); Giandomenico (2012); Noutcheva and Aydin-Düzgit (2012); Obradovic-Wochniy and Wochnik (2012); Biermann (2014); Kostovicova (2014).

Writing in 2014, Heather Grabbe finds renewed evidence of the existence of Europe's transformative power.²⁷ One just needs to compare Croatia's stability with the destabilization of Ukraine – she points out – to understand the effects of Europeanization. On the one hand, Croatia has been engaged in the EU accession process. As a consequence, it has been democratized and stabilized thanks to Europe's transformative power. Ukraine – on the other hand – has remained outside the perimeter of European enlargement. As a consequence, transformation has failed to materialize, and Ukraine has not reached durable stability.²⁸ Russia's forceful reaction to Ukraine's attempt to move closer to the EU signals 'the end of the EU's monopoly on transformative power' Grabbe explains.²⁹ The era of Europe's unrivalled gravitational pull is over. 'The prospects for transformative power in the Balkans are much dimmer than they were for post-communist Europe [sic].'³⁰ The existence of Europe's capacity to transform candidate countries, nonetheless, is confirmed.³¹

Grabbe's findings are confirmed by Vachudova's recent work. Assessing the effectiveness of Europe's strategy in the Western Balkans after ten years of Europeanization, Vachudova points out that enlargement 'continues to have a democratizing effect.'³² Inexpertness, illegitimacy and inconsistency – she admits – have curbed Europe's chances of success, especially when it comes to cases

²⁷ Grabbe (2014).

²⁸ Grabbe (2014), p. 40.

²⁹ Grabbe (2014), p. 40.

³⁰ Grabbe (2014), p. 41.

³¹ For an opposite interpretation, see Mungiu-Pippidi (2014), who notes that – 'after a decade of expansion and unprecedented prosperity that bolstered a euphoric belief in the 'transformative power of Europe,' recent events have brought Europeans back to reality.

³² Vachudova (2014), p. 123.

characterized by contested sovereignty and identity.³³ The basic dynamics underlying the enlargement process in the region, however, has not changed: European member states still have a vested interest in the integration of the whole region; candidate countries still see integration as their only strategic option. The problematic outcomes of Europeanization in Bosnia and Kosovo – Vachudova concludes – is not necessarily a sign of crisis:

Conditionality is only credible because the EU is willing to stop the process when a government is not making progress on crucial domestic reforms. For this reason, the enlargement process must sometimes come to a standstill for some candidates.³⁴

Grabbe's line of reasoning – one can easily argue – is not completely convincing. In the past twenty years Croatia has been able to find its internal and international stability because it has fallen completely within the Euro-Atlantic security perimeter. Ukraine, on the other hand, has failed to do so because of its position between two competing spheres of influence. To explain Croatia and Ukraine's different transitions by focusing on Europe's transformative power, therefore, overlooks the real decisive factor, namely their respective geostrategic position. Croatia in 2014 is stable because it has made a conscious choice about its future, deciding to pursue European integration. Ukraine has never been in a position to do so because it is torn between two opposing drives – one looking East

³³ Vachudova (2014), p. 124.

³⁴ Vachudova (2014), p. 134.

and the other looking West. The existence of Europe's transformative power, in this context, seems marginal if not utterly irrelevant.

Vachudova's argument is not totally convincing either – the evidence presented in previous chapters of this study seem to suggest. In the cases of Bosnia and Kosovo it is misleading to look at the frequent stops of the enlargement process as a strategy that maximizes the credibility and effectiveness of conditionality. The decade-long transition of the two post-conflict countries tells a different story. Deadlock has become a permanent feature of the political landscape in both Bosnia and Kosovo. The EU has tried multiple times to adjust its strategy, trying to provide momentum for reform and to stimulate convergence. All efforts, unfortunately, have failed. The inescapable logical consequence, in this perspective, needs to be that Europe's strategy based on the pull of conditionality has failed in Bosnia and Kosovo. Europeanization has not proved a decisive force in the process of transition. Europe's transformative power has failed to materialize.

A more compelling attempt to explain Europe's problematic engagement in Bosnia and Kosovo salvaging – at the same time - the theoretical system of Europeanization has been made by the Berlin-based study group on 'The Transformative Power of Europe.'³⁵ It centers on the analysis of the limits of the transformative power in cases of 'limited statehood' and is due to scholars Thomas Risse and Tanja Börzel. The study of international relations – Risse explains – is based on a theoretical fiction that has no correspondence in the real world.

³⁵ Börzel and Risse (2009).

Influenced by the Westphalian tradition, the scholarly literature tends to assume that states be perfectly consolidated, all-powerful entities.³⁶ Reality is very different. Virtually any state – developed or transitioning, post-colonial or failed – experiences limits when it comes to controlling its own environment. Statehood is always limited. Limited statehood, moreover, is not a historical accident that can be overcome – for instance – through the action of the international community. There is no secure path leading to the progressive consolidation of statehood worldwide, as the theory and practice of state building seems to assume. Quite the opposite, limited statehood is best seen as a phenomenon that is bound to stay in today's and in tomorrow's world, within the developed West and among developing and transitioning countries.

The Western Balkans – Börzel argues, building on Risse's work – is an area of limited statehood. As such, it is a challenging terrain for Europeanization.³⁷ Limited statehood – Börzel observes – has 'seriously curbed the transformative power of Europe in the Western Balkans – despite their membership perspective.'³⁸ A combination of high costs, limited incentives and low reform capacity has often prevented progress and stalled the process. The cases of Bosnia and Kosovo are particularly telling in this perspective: here powerful veto players have found optimal conditions to forestall the reform process by exploiting ethno-nationalism and postwar polarization. The EU has never been able to offer credible prospects of accession. The incentives it has been able to offer have been ineffective. Fragile

³⁶ Risse (2013).

³⁷ Börzel (2011). See also Noutcheva (2009); Noutcheva (2012); Elbasani (2012).

³⁸ Börzel (2011), p. 5.

local institutions and underdeveloped political systems have further hindered the reform process. Under such conditions, Europe's strategy has proved futile. A comparative analysis of Europeanization across the Western Balkans, however, does not disprove the existence of Europe's transformative power – Börzel points out. Quite the opposite, it confirms the basic findings of the literature on Europeanization. The EU has favored and locked-in change in consolidating democracies such as 'Croatia, Serbia and Macedonia [sic].'³⁹ In such cases, the transformative power of Europe is confirmed – albeit subject to the limits of what Goetz calls 'shallow Europeanization.'⁴⁰ Bosnia and Kosovo represent exceptions that do not disprove the general rule stating Europe's capacity to transform transitioning candidate countries. Simply, the fact that these two particular post-conflict countries are internally and internationally contested – combined with their characteristically low state capacity – makes them ill-suited for Europe's transformative power. Europe has neither 'the power to induce democratization, nor to build states' – Börzel realistically concludes. As a consequence, it should be cautious using its limited transformative power in cases in which such power has limited chances of being deployed effectively.

The line of reasoning developed by Risse and Börzel, in conclusion, presents Europe's failure in Bosnia and Kosovo as a problem of state building. The EU – they are willing to admit – has failed to transform the two post-conflict countries. 'In order to transform a region ridden by ethnic violence and lingering conflicts, it takes

³⁹ Börzel (2011), p. 14. For a case study on Macedonia confirming Börzel's findings, see Giandomenico (2012).

⁴⁰ Goetz (2005), p. 262. Jacoby (1999) writes about 'Potemkin harmonization.'

more than conditionality' – Börzel concedes.⁴¹ Yet this failure merely confirms the existence of specific limits to Europe's transformative power. In cases of limited statehood, Europeanization simply does not work. Europe's failure in Bosnia and Kosovo, nonetheless, can be easily integrated in the theoretical system built around the concept of Europeanization. It does not disprove the existence of Europe's transformative power. Quite the opposite, it confirms it.

In her attempt to salvage the theory of Europeanization from the logical consequences of Europe's failure in Bosnia and Kosovo, Börzel makes a remarkably elegant argument. Beyond its irrefutable formal correctness, however, Börzel's defense of Europe's transformative power raises a logical problem that requires careful consideration. She argues that Europeanization in Bosnia and Kosovo has not worked essentially because state building has failed. Yet one could easily argue the exact opposite, namely that state building has failed because Europeanization has not worked. Does this not amount to say that Europe has no intrinsic power to transform a country? Does this not imply that transformation originates and grows within each country – and critically depends on the resources that each country can mobilize towards that goal? Does this not mean that the role of external actors (EU included) is to assist, to advice, to push, to entice – but not to transform? How is it possible to logically postulate the existence of Europe's power to transform

⁴¹ Börzel (2011), p. 14. It is worth noting here that Arolda Elbasani – another scholar from the Berlin-based study group – has added a whole different series of limits to Europe's transformative power in the Western Balkans. Studying the case of Albania, Elbasani (2009; 2012) explains that the central problem is the bureaucratic ineffectiveness of the state. The failure of Europe's transformative power – Börzel and Elbasani's research seems to suggest – requires a whole different set of *ad hoc* explanations, specifications and limitations depending on the applicant country one considers.

candidate countries, when the manifestation of that power critically depends on the defining characteristics of such countries? Would it not be more useful – one cannot help but wonder – to reason in terms of Europe’s variable influence on candidate countries? To what extent is the whole Europeanization theory a lens that helps us make sense of reality? To what extent – quite the opposite – has it turned into an intellectual straitjacket covering reality, rather than disclosing it?

With EU enlargement moving to more and more complex cases of post-communist and – in the cases of Bosnia and Kosovo – post-conflict transition, the theory of Europeanization requires more and more specifications and limitations in order to convincingly accommodate what can be easily observed in the real world. Is it really worth it – in order to reconcile a theory with reality – to bend it and constrain it to such an extent that, ultimately, it hardly resembles its original formulation?

In its original formulation, the theory of Europeanization presents the dynamics between Europe and post-communist candidate countries in terms of ‘asymmetrical interdependence.’⁴² In this perspective, the EU – armed with its irresistible power of attraction – does not need to directly coerce candidate countries: they will tend to spontaneously conform to Brussels’ preferences in order to pursue membership in the European club. The logic starting point of the whole Europeanization theory, in sum, is the axiom that Europe exerts an overpowering influence on candidate countries – one that transforms their national patterns of

⁴² Vachudova (2005), p. 109.

governance. How can this axiom be logically reconciled with the existence of more and more stringent limits, constraints, and exceptions?

With EU enlargement moving to more and more complex cases of transition – this study argues – the literature on the limits of Europe’s transformative power increasingly looks like a formally correct, yet logically flawed attempt to put theory before reality. With its impossible attempt to reconcile the theory with the problematic story of Bosnia and Kosovo – this study argues – the research on Europeanization has sunk into an intellectual *cul de sac* that limits its capacity to make sense of reality, rather than enhancing it.

If the implications of the theory of Europeanization were limited to the academic debate, then the whole argument about the limits of Europe’s transformative power could be seen as a harmless and, maybe, even an interesting intellectual exercise. The belief in the existence of Europe’s transformative power, however, has problematic – in some cases even dangerous – implications.

The transformative narrative has proved extremely successful outside the academic circles. In particular – and not surprisingly – it has easily conquered many hearts and minds within the EU bureaucracy. Gradually, the existence of Europe’s transformative power has become an axiom that has shaped Europe’s identity and self-perception in foreign policy. In Brussels, the Directorate-General for Enlargement has professed a remarkably steady faith in the transformative power of Europe. Top EU officials have taken great pride in Europe’s ability to transform its surroundings. In some cases, Europe’s transformative power has been invoked -

hastily, one might argue – as a possible solution for very volatile situations. EU Commissioner Stephan Füle’s remarks on the crisis in Ukraine are a case in point.⁴³ In such cases, the transformative narrative can easily lead Europe to over-estimate its own capacity to influence events that – ultimately – are not inherently under its control. Unrealistic expectations tend to rise. Frustration and disillusion fatally follow. Ultimately Europe – misled by its own belief in the existence of an inherent transformative power – may undermine its ability to exert a more modest, and yet more necessary, influence on its increasingly volatile surroundings.

The theory of Europeanization has had a long and prestigious run in the scholarly debate on post-communist transition. It has shaped the very self-perception of the EU in the crucial areas of enlargement and neighborhood policies. Yet – in 2015 and after the failure in Bosnia and Kosovo – the narrative of Europe’s transformative power has lost most of its clout. From a logic point of view, it needs too many specifications, limitations and *caveats* to be really convincing. From a practical point of view, it hardly improves Europe’s chances to understand and control the developments in its immediate surroundings. Furthermore, it may lead to potentially dangerous miscalculations. As a consequence – the findings of this study suggest – it is time to leave the transformative narrative behind. It is time to evaluate Europe’s capabilities more realistically and without theoretical frameworks that tend to disguise the dynamics at play, rather than uncovering

⁴³ See for instance Andrew Rettman, “EU Gives Ukraine Enlargement Hint,” *EUObserver* online (02.10.2014); and “EU-Erweiterungskommissar für EU-Aufnahme der Ukraine,” *Die Welt* Online (03.18.2014).

them. It is time to focus on what the EU can really do for Bosnia and Kosovo, and for all those other countries – Ukraine, Moldova, but also the countries of the southern Mediterranean – that need a strong, focused, realist Europe; not a delusional Europe unable to free itself from transformative expectations that cannot be verified in reality. ‘The idealist logic of European enlargement – Cecchini *et al.*, wrote back in 2001 – has a deeply practical side to it.’⁴⁴ It needs to be used to solve Europe’s problems – not to make complicate problems even more intractable. Europe needs to rediscover and acknowledge this crucial practical side of enlargement in order to prevent the whole process from being totally discredited and ridiculed. By doing so, it will restore its credibility and – at the same time – it will increase the overall effectiveness of its foreign policy.

4. The end of the transformative narrative and its implications:

Integration vs. transformation in the Western Balkans

Despite its failure to transform Bosnia and Kosovo, Europe remains the only actor capable of stabilizing the whole Western Balkans in the long run. In Bosnia, Kosovo and throughout the whole region – one may argue – there is no alternative to Europe. No other international actor can match its stabilizing influence. No alternative future can match Europe’s capacity to provide a deeply divided region with a shared, peaceful perspective. Turkey’s diplomatic and economic penetration

⁴⁴ Cecchini *et al.* (2001), p. 155.

into the region seems aimed at revamping old colonial ties, rather than at presenting local actors with a palatable alternative to Europe. Russia's increasing diplomatic pressures clash against Moscow's inability to offer local leaders anything concrete beyond the old, empty rhetoric of Pan-Slav solidarity.⁴⁵ 'We are on our European path – Serbia's Prime Minister Vucic points out resolutely in the face of Russia's increasing pressures – We are not going to be part of the Eurasian Economic Union.'⁴⁶

The rationale for enlargement in the Western Balkans is as powerful in 2015 as it was in 1999 – when the EU Foreign Ministers launched the Stability Pact for South East Europe, first opening the doors of the European club to all Western Balkan countries.⁴⁷ The stabilization of Europe's courtyard remains a crucial security interest for the Union. Preserving it from renewed ethnic conflict, economic collapse and lawlessness represents an historic opportunity. Yet, increasingly, Europe seems trapped in catch-22 when dealing with the integration of the Western Balkans: it has no real desire to go backwards, no credible plan to move forward, and cannot realistically think to stay still for much longer.

What Europe's failure in Bosnia and Kosovo suggests is that enlargement in this part of the continent is not necessarily bound to happen on Brussels' terms. Some countries in the region have made substantial progress in terms of democratic

⁴⁵ Some analyses, however, fear that Turkey and Russia may represent serious competition for Europe in the region. See for instance Dusan Reljic, "Does the EU want to bring Russia and Turkey into the Western Balkans," *EurActiv.com* (December, 12, 2014). See also Joseph and Bugajski (2015).

⁴⁶ Prime Minister of Serbia Aleksandar Vucic's remarks (*Serbia's Strategic Choices*) at the Johns Hopkins University – SAIS in Washington, DC (June 4, 2015). On the Eurasian Economic Union, see Standish (2015).

⁴⁷ European Council, *Common Position (CFSP) Concerning a Stability Pact for South-Eastern Europe*, 1999/345/CFSP (May 28, 1999). The Stability Pact was officially adopted in Cologne on June 10, 1999.

consolidation, economic modernization and convergence towards the EU. Others have been lagging more and more behind. Once again, Europe seems to believe that a more forceful application of conditionality may reverse this diverging dynamics. New Commissioner for Enlargement Johannes Hahn, for instance, has recently made clear that – after the accession of Croatia – the EU will become even stricter in its application of pre-accession conditionality.⁴⁸ Candidate countries will need to take full responsibility (ownership, in EU jargon) for their future. The European public – Hahn points out – will not even consider further rounds of enlargement, if there is the slightest doubt that the acceding country may end up representing a burden for the EU.

Arguably, however, the enlargement process in the Western Balkans is not likely to be revamped by a more forceful application of Europe's transformative power. The domino approach to enlargement that the EU has been following in the region – integrating Croatia in the hope that more countries will follow – has already reached its limits. In the future it might serve to integrate small Montenegro, which has made substantial progress towards accession. Eventually, however, it is bound to founder against the central problem in the region: the inescapable need to integrate Serbia, Kosovo, Bosnia (and possibly Macedonia) at the same time. In the absence of such a simultaneous enlargement, regional divisions would be imported within the EU. The stabilizing effect of integration would be lost. In the near future, therefore, Europe is going to be increasingly pressed to recognize the fact that it cannot move ahead with the integration of virtuous countries, leaving laggards

⁴⁸ EU Commissioner for Enlargement Johannes Hahn's remarks (*Eastern Partnership: The Way Forward after Riga*) at the Atlantic Council of the United States in Washington, DC (June 4, 2015).

behind. Bosnia and Kosovo cannot remain indefinitely the two black holes in the heart of the European construction. They may need to be moved along on their path to accession despite the fact that their level of compliance with EU conditionality is unsatisfactory, and their overall state is less than encouraging.

Europe's emphasis on standards and the technicalities of the *acquis communautaire* will need to take into account the fundamentally political nature of the enlargement process. After all, enlargement has always been used by Europe to foster stability and security in the continent. In the 1980s Greece, Spain and Portugal were admitted in order to stabilize them after the end of fascist dictatorships. Similarly the CEECs were invited to join to extend Europe's stability and security. The 'membership perspective' offered to Western Balkan countries through the Stability Pact for South East Europe, finally, served to prove that the EU was capable of providing stability in its own backyard.

It is not in Europe's best interest, now, to keep the Western Balkan question open forever.⁴⁹ In the future Europe is bound to face increasing pressure to acknowledge the fact that its attempt to transform Bosnia and Kosovo has failed and yet it needs to integrate them anyway. The costs of enlargement to small countries such as Bosnia and Kosovo, at the end of the day, would be negligible for Europe. Both EU institutions and the EU budget would hardly notice the accession of the two post-conflict countries. Admittedly, post-accession conditionality tends to lack

⁴⁹ Joseph and Bugajski (2014) stress the importance of re-launching the integration process in view of Russia's increasingly confrontational attitude in the region. More convincingly, Bechev (2015) shows that Russia's position in the region rests on very shaky grounds. The rationale for re-launching enlargement – this study argues – lies not in the fear of Russia's geo-strategic competition, but in the need to re-establish Europe's credibility and to complete a process that has strategic implications for Europe's security.

incisiveness and – as the cases of Romania and Bulgaria demonstrate – reform may proceed at an even slower pace after accession than it did before.⁵⁰ If Europe recognizes the completion of the stabilization of the Western Balkans as a strategic priority, however, integration – complemented with long and intrusive post-accession controls and limitations – may well be the only option left.

One single principle needs to remain adamant at the core of Europe's strategy to integrate Bosnia, Kosovo, and the whole Western Balkans: the EU should never again import unresolved territorial or status conflicts. From the case of Cyprus to the name dispute between Greece and Macedonia, in fact, the EU has demonstrated that it has virtually no leverage over member states when it comes to status issues. The open question between Serbia and Kosovo, therefore, needs to be settled before they are both admitted in the Union. The progress on the Belgrade-Pristina Dialogue leaves room for hope that a mutually acceptable solution can be within reach. Once open territorial and status questions are settled, however, there will be no insuperable obstacle to the integration of Serbia, Kosovo, Bosnia and – possibly – the rest of the Western Balkans.

Looking back at Europe's long commitment in Bosnia and Kosovo – and speculating on its future – it is difficult to imagine a viable alternative to the lowering of the standards. Public opinions in both countries are increasingly frustrated. Politicians are cynical and opportunistic when it comes to Europe. All parties seem to realize all too well that EU membership – if it will ever happen – will

⁵⁰ Gateva (2013).

not depend on the reform each country implements, but on Brussels' need to find an exit strategy from a hopelessly deadlocked situation.⁵¹ Even EU officials on the ground privately admit that the lowering of the standards is the only viable strategy for Europe after decades of failures and frustration.⁵²

For two decades – this study has shown – Europe has failed to transform Bosnia and Kosovo. It is now faced with the need to realize that the stabilization and integration of the whole Western Balkans is far more important than its stubborn determination to prove the existence of its transformative power. Back in 2005, the International Commission on the Balkans warned that the alternative to EU enlargement would be the establishment of a European empire in the region.⁵³ With the benefit of hindsight – in 2015 – we can now safely argue that the Commission was wrong. The alternative to enlargement is not empire. The alternative to enlargement is irrelevance.

5. The end of the transformative narrative and its implications:

A new foreign policy identity for the EU

Europe's failure in Bosnia and Kosovo has implications that go well beyond the specific question of the Western Balkans. The demise of the transformative

⁵¹ Author's interview at the Federal Ministry of EU Integration, Sarajevo, Bosnia and Herzegovina (April 25, 2012) and at the Ministry of European Integration, Pristina, Kosovo (May 5, 2012).

⁵² Author's interview at the EU Delegation, Sarajevo, Bosnia and Herzegovina (April 26, 2012) and at the Office of EU Special Representative, Pristina, Kosovo (May 2, 2012).

⁵³ International Commission on the Balkans (2005).

narrative has a direct impact on Europe's overall foreign policy. It affects the way the EU perceives itself and its foreign policy capabilities in a rapidly changing, increasingly volatile security environment.

Europe has failed to transform Bosnia and Kosovo – in theory perfect targets for Europeanization. Despite unquestionable asymmetric interdependence, Europe's strategy has shown its limits. Post-conflict dynamics have proved largely impermeable to conditionality. State building and enlargement strategies have clashed, often undermining each other. Enlargement – Bosnia and Kosovo demonstrate – is not a strategy that Europe can easily apply to polarizing conflicts, and to complex post-conflict transitions. This may be even more true in cases that are potentially more problematic than the small, relatively easy cases of Bosnia and Kosovo. Writing in the spring of 2015, Ukraine comes immediately to mind.

The faith – routinely professed by top EU officers such as former Commissioner for Enlargement Stefan Füle – that enlargement may represent a transformative and stabilizing force in cases such as Ukraine, Georgia and Moldova has dramatically backfired.⁵⁴ The persuasion that the simple power of attraction of the EU would transform Ukraine from a country deeply strained between two alternative spheres of influence into a new target for Europe's transformative power contributed to the destabilization of the country's precarious balance. The idea that prospects of enlargement could be used to stabilize a situation already

⁵⁴ Quoted in "EU-Erweiterungskommissar für EU-Aufnahme der Ukraine," *Die Welt* Online (March 18, 2014).

characterized by military escalation – as suggested by the EU Foreign Ministers in February of 2014 – antagonized Russia, exposing Europe’s embarrassing bluff.⁵⁵

It is difficult to imagine that the Union would be able to integrate a big country such as Ukraine, lying in a complex geostrategic environment, and where pro-European consensus is weak – the story of Bosnia and Kosovo suggests. It is difficult to imagine that enlargement could serve as an effective foreign policy strategy for Europe – in Ukraine and elsewhere – the more so since its credibility is at an all-time low and its influence is openly challenged.

At the present stage – Europe’s failure in Bosnia and Kosovo tells us – further enlargement is out of the question. It is obviously out of the question in the case of Ukraine, where the EU has been long sidelined and marginalized. Furthermore, it is out of the question when it comes to more potentially divisive cases, such as Moldova and Georgia. Formally, Brussels carries on with the enlargement agenda in its Eastern neighborhood: in the spring of 2015 the Commission earmarked 200 million euros cash and 2 billion euros in loans to cover for the adjustment costs linked to the adoption of EU rules and regulations in the three Eastern countries that have expressed their willingness to join the Union.⁵⁶ In practice, however, enlargement is unlikely to happen in that area, at least in the foreseeable future.

The integration of the Western Balkans needs to be brought to completion, as Europe has put its credibility on the line, and has a specific interest in pursuing it.

⁵⁵ Political association and free trade do ‘not constitute the final goal in EU-Ukraine cooperation’ – EU Foreign Ministers jointly stated. Quoted in Andrew Rettman, “EU Gives Ukraine Enlargement Hint,” *EUObserver* online (February 10, 2014).

⁵⁶ EU Commissioner for Enlargement Johannes Hahn’s remarks (*Eastern Partnership: The Way Forward after Riga*) at the Atlantic Council of the United States in Washington, DC (June 4, 2015).

Beyond the Western Balkans, however, enlargement no longer seems to represent a viable foreign policy option. Turkey – a candidate for membership since 1997 – has long been lost. Eastern Europe is contested by Russia. The southern shore of the Mediterranean is out of reach, at least for today's uncertain and feeble EU.⁵⁷

The idealization of enlargement as the panacea capable to stabilize Europe's surroundings has been exposed for what it really is: a potentially dangerous delusion. Enlargement possesses no intrinsic power to transform reality, particularly when it comes to conflicted areas. European officials and policy-makers – as a consequence – would be well advised to finally discard the transformational narrative and to focus on realistic solutions for Europe's emerging security threats. 'Europe will be forged in crises – Jean Monnet once pointed out – and will be the sum of the solutions adopted for those crises.'⁵⁸ It seems clear that the crises encircling Europe both to the east and to the south are of a new kind. They require stronger focus and innovative solutions.

6. The end of the transformative narrative and its implications:

A cautionary note on state building

In the previous chapters we have discussed how postwar Bosnia and Kosovo have been theaters of international state building operations in which both the

⁵⁷ Van Hüllen (2012), in this perspective, demonstrates how the ENP played no significant role in the so-called Arab spring.

⁵⁸ Monnet (1976).

conditions on the ground and the motivations of the main players should have been conducive – at least in theory – to a relatively smooth process of democratic transition and consolidation. These ideal conditions notwithstanding, the long engagement of the international community – with the EU at its core – has led to problematic results. Logically therefore Europe's failure in Bosnia and Kosovo carries implications that relate to the limits of state building operations in general. When it comes to interventions in areas that are more remote (geographically and culturally) than the Western Balkans – the reasoning goes – where the quality and quantity of inducements at hand is lower, and where different international actors compete for influence, the risk of failure increases exponentially.

There is a strong theoretical link between the transformative narrative at European level and the liberal internationalist narrative at global level. From the intellectual point of view, the immediate post-Cold War period – when the theory of Europeanization was first applied to post-communist transition – was the heyday of liberal internationalism. The two theoretical frameworks were developed under the same extraordinary historical circumstances provided by the end of the bipolar confrontation. They tended to grow inextricably intertwined – the former focusing on Europe, the latter on the global scene. Together, they created a widespread sense that liberal democracy and EU integration represented inescapable endpoints for the whole of post-communist Europe.

In 1992, Frank Fukuyama argued in one of the most cited studies of his generation that humankind had finally reached the liberal endpoint in its ideological

evolution.⁵⁹ The end of the Cold War – Charles Kegley pointed out – had opened the doors to a ‘neo-idealistic moment’ in international relations.⁶⁰ Liberal democracy – Diamond, Linz and Lipset added – had emerged from the Cold War as ‘the only model of government with any broad legitimacy and ideological appeal in the world.’⁶¹ Developing and democratizing countries were seen as in the midst of a ‘transitional period’ that would necessarily lead to democratic and capitalistic consolidation. Democracy, trade and international organization were the main pillars on which the liberal internationalist approach to post-Cold War international relations rested.⁶²

In 1993, Gerald Herman and Stephen Ratner famously identified the violent collapse of fragile states as the main danger of the new era, arguing for a new multilateral strategy to bring stability in such conflict-ridden situations.⁶³ International organizations such as the UN and OSCE launched dedicated democracy-promotion offices. Peace building suddenly took center stage in international politics.⁶⁴ The West had a specific responsibility in spreading liberal democracy worldwide – scholars noted.⁶⁵ The demise of the Soviet bloc had left Western influence virtually unchallenged. This ‘unipolar moment’ was an

⁵⁹ Fukuyama (1992).

⁶⁰ Kegley (1993). Gleditsch (2008) sees the immediate post-Cold War period as a ‘liberal moment’ in international politics.

⁶¹ Diamond, Linz and Lipset (1990).

⁶² See Walker (2015).

⁶³ Helman and Ratner (1993).

⁶⁴ In this period, the UN launched a number of peace building operations, including Namibia, El Salvador, Nicaragua, Mozambique and Cambodia.

⁶⁵ In this context, Secretary of State Madeleine Albright pointed out that the U.S. had a specific responsibility as ‘the indispensable nation,’ the country that ‘stand[s] tall and see[s] further than other countries into the future.’ See “Secretary of State Madeleine K. Albright Interview on NBC-TV ‘The Today Show’ with Matt Lauer” (February 19, 1998); <http://www.state.gov/1997-2001-NOPDFS/statements/1998/980219a.html> [accessed 09.01.2014].

unparalleled opportunity to advance the transformation of the developing world in a liberal and democratic sense.⁶⁶

Economic and political liberalization were seen as conducive to the long-term stabilization and pacification of war-torn environments and, more specifically, of countries emerging from civil conflict.⁶⁷ Liberalization and democratization tended to be mutually reinforcing – scholars argued. Once they were initiated, these twin processes tended to be largely self-perpetuating, leading to the eventual transformation of post-conflict countries into consolidated liberal democracies.⁶⁸ The link between peace building and the establishment of sound, self-sustaining local institutions – a process defined as state building – became the subject of a growing body of literature.⁶⁹ Through the consolidation of strong governmental institutions – the UN pointed out – it was possible to ‘lock in’ political and economic reform, providing long-term stability to postwar countries.⁷⁰

Europe’s engagement in postwar Bosnia and Kosovo was critically shaped by liberal internationalism. On the one hand, the early attempt to transform the post-conflict dynamics from the inside – using the executive authority granted by the Bonn Powers in Bosnia, and by UNSCR 1244 in Kosovo – were based on the liberal internationalist principle of ‘shared sovereignty’ between domestic and

⁶⁶ The concept of ‘unipolar moment’ is due to Krauthammer (1990).

⁶⁷ Paris (2004).

⁶⁸ For a critical assessment of this approach, see Paris (2010).

⁶⁹ Fukuyama (2004); Ghani and Lockhart (2008); Call and Hawkins Wyeth (2008); Paris and Sisk (2009).

⁷⁰ United Nations (2001).

international institutions.⁷¹ On the other hand, later attempts to transform the two countries from the outside – implementing a Europeanization strategy – were characterized by a sense of inevitability of Europe's final success that liberal internationalism contributed to reinforce.

Europe's traditional emphasis on market and political liberalization, its proven capacity to engage applicant countries in the reform process, and to provide a clear liberal and democratic perspective to post-communist transition were the features that made it the ideal engine of stabilization and consolidation from a liberal internationalist point of view. Thanks to the transformative power of conditionality and to the last-resort option of direct executive authority, Europe's success in Bosnia and Kosovo was beyond doubt. Bosnia and Kosovo had no alternative but to be transformed by the EU. The EU had no alternative but to transform Bosnia and Kosovo.

Europe's transformative attempt in Bosnia and Kosovo quickly became the focus of most of the analysis on state building. Its successes often became evidence of the fact that the international community could effectively create 'liberal international democracies' around the world. Its failures were often seen as a demonstration of the futility of the whole state building enterprise.

Seen with the benefit of hindsight, the long and complex state building operations carried out in Bosnia and Kosovo show both the important role the

⁷¹ Krasner (2004) sees 'shared sovereignty' as the basis of successful stabilization of fragile, failing and collapsing states. On the same line, Keohane (2003) argues that post-conflict states must be considered as 'conditionally sovereign' at best.

international community can play in post-conflict situations, and the limits of its engagement. On the one hand, the willingness demonstrated by the EU time and again to remain committed to Bosnia, Kosovo and the Western Balkans as a whole has been crucial in forestalling the highly destabilizing process of Yugoslav disintegration. It has prevented more outbursts of violence and large-scale instability in the region, securing reasonable levels of domestic and international security. It has helped build countries that – if they are not consolidated democracies – provide their citizens with far more rights and opportunities than they had before. Under this respect, therefore, Europe's engagement in Bosnia, Kosovo and in the wider Western Balkans is a success. On the other hand – the previous chapters have shown – transition in a complex post-conflict environment has proceeded at a very slow pace. Democratic consolidation has remained elusive. The establishment of viable, self-sustaining countries remains a work in progress that is poised to keep Europe and local societies busy for generations.

Europe's struggles in Bosnia and Kosovo, in sum, send a cautionary note on how complex and difficult an enterprise state building really is. Even under ideal circumstances – and over a time span of decades – a powerful external actor has failed to provide relatively small countries with self-sustaining institutions, and to prompt real democratic consolidation. The struggles of equally powerful actors in more remote areas of the planet – such as Afghanistan and Iraq – tend to confirm what Bosnia and Kosovo suggest. State building takes an incredible amount of time and energies, requires unwavering determination and may not necessarily lead to

the desired outcome. The deterministic approach of liberal internationalism, suggesting a more or less secure path towards democracy and the free market has roots in the overinflated expectations of the West in the immediate post-Cold War era. In 2015, it does not seem useful to guide foreign policy decision-making.

Western leaders, unfortunately, showed that the struggles of Bosnia, Kosovo – and, even more, Afghanistan and Iraq – failed to prompt a critical reassessment of liberal internationalism as a guiding principle in foreign policy. When – in 2011 – they decided to intervene in war-torn Libya, for instance, Western powers easily managed to tip the military balance among warring factions on the ground, securing the toppling of long-standing dictator Muammar Gaddafi.⁷² They, however, had no viable solution on how to re-build an internally divided state that quickly collapsed, nor were they willing to commit to a meaningful presence in Libya. As a result, the country quickly plummeted into chaos, spreading instability on the outside, and growing to represent a direct threat to European – and Western security.

This does not amount to say that the West – and Europe in particular – should refrain from intervening in its neighborhood and globally under any circumstances. When considering the costs of such interventions, however, it has to take well into account that post-conflict reconstruction is likely to be complex and extremely costly. It has taken two decades (and counting) for nearly ideal targets such as Bosnia and Kosovo. It can very well be much more difficult in more remote, less homogeneous cases.

⁷² Chivvis (2012) characterizes the military intervention in Libya as a success.

Conclusion

Now we need a new strategy.

A strategy that is not drawn up in a closet by a select few,
but through a broad process that involves the Member States and EU institutions
as well as the foreign policy community including academia and think tanks,
the media and civil society.¹

The coming months are crucial for the re-definition of Europe's identity. Domestically, the consequences of the euro-zone crisis will reach their climax in Greece, further straining Europe's internal solidarity. Internationally, the revision of the ENP will lay the ground for Europe's engagement to the east and to the south.² In this context, the Western Balkans is likely to remain at the extreme periphery of Europe's focus of attention. Realistically, therefore, one can hardly imagine any

¹ Speech by High Representative/Vice-President Federica Mogherini at the Munich Security Conference (February 8, 2015). Available at http://eeas.europa.eu/statements-eeas/2015/150208_01_en.htm [accessed 06.01.2015]

² EU Commissioner for Enlargement Johannes Hahn's remarks (*Eastern Partnership: The Way Forward after Riga*) at the Atlantic Council of the United States in Washington, DC (June 4, 2015).

sizeable progress being made on the Western Balkan front, at least in the short term.

The current phase, nonetheless, can present the EU with an opportunity to lay the ground for progress in the future – when conditions will be more conducive to enlargement and when Europe will be in a position to mobilize more resources towards the fulfillment of its historic mission in the region. High Representative Mogherini's initiative to re-launch the Belgrade – Pristina dialogue shows Europe's willingness to carry on with an obscure, yet necessary diplomatic work.³ Beyond its commendable efforts, however, Brussels needs to realistically re-assess its strategy in Bosnia and Kosovo if it wants to avoid the gradual destabilization of the two countries and of the Western Balkans as a whole.

The story of Bosnia and Kosovo – this study has shown – has important implications for Europe's engagement in post-conflict environments. It questions the validity of the preeminent Europeanization narrative to explain change and reform. It shows the limits of the transformative power of EU conditionality. Indeed, it questions the very existence of such a transformative power in post-conflict environments. Despite unparalleled commitment – this study has shown – the EU has failed to drive Bosnia and Kosovo on a clear trajectory of democratization, consolidation and socio-economic development, finally culminating with membership in the European club. The two countries – as a result

³ See "Statement by High Representative/Vice-President Federica Mogherini following the resumption of the EU-facilitated dialogue between Belgrade and Pristina" (February 10, 2015). Available at http://www.eeas.europa.eu/statements-eeas/2015/150210_01_en.htm [accessed 06.01.2015]

– seem hopelessly mired in political deadlock, economic stagnation and social underdevelopment. After roughly two decades of failed attempts, now, the question has become inescapable: how can Europe finally complete the Western Balkans’ ‘unfinished business’?⁴

1. Never let a good crisis go to waste:

Finishing Europe’s unfinished business in the Western Balkans

Europe’s strategic environment has changed over the past few years. The long post-Cold War phase – brought to an abrupt end in the U.S. by the terrorist attacks of September 11, 2001 – has finally come to an end also in Europe. The images of November 9, 1989 – when the fall of the Berlin Wall promised Europe a future in which hard power had no longer a place – have been fading away. The dream of an ever closer, ever larger Union clashes against Europe’s lack of internal solidarity, and against the re-emergence of strategic competition on continental soil. On the one hand the euro-zone crisis demands Europe’s undivided attention. On the other hand, instability to the east and to the south calls Europe to its geo-strategic responsibilities and to a new foreign policy role.

The lingering question of the Western Balkans – in this framework – increasingly looks as a relic from a remote past. European public opinions have long

⁴ Džihic and Hamilton (2012).

forgotten about the whole region. European leaders have neither the time, nor the will to provide new momentum to the integration process. Brussels' bureaucracy – left virtually alone in control of the developments in the area – carries on with policies that, after long decades of failures, are increasingly discredited and ineffective.

Unfortunately, it is difficult to imagine how the effectiveness of Europe's strategy in the Western Balkans could be somehow restored by a more forceful application of conditionality – as suggested by new High Representative Mogherini and Enlargement Commissioner Hahn.⁵ As previous chapters have discussed in detail – post-conflict environments such as Bosnia and Kosovo have proved the limits of the transformative power of EU conditionality. Time and again, they have frustrated Europe's ambitions. They have shaken Europe's confidence in its own capabilities. And it is a fact that post-conflict Bosnia and Kosovo remain central in the stabilization and integration of the whole region. Without sizeable progress in these two countries, the whole Western Balkans has little hope to converge towards Europe.

So far Brussels has failed to draw the necessary implications of its decade-long struggles in Bosnia and Kosovo. It has insisted on the upholding of the standards, and on a stricter use of conditionality. It has reaffirmed its faith in the transformative power of the accession process as the tool to change the deadlocked,

⁵ See "Remarks by High Representative/Vice-President Federica Mogherini at the end of the visit to Bosnia and Herzegovina, together with Commissioner Johannes Hahn" (December 5, 2014). Available at http://ec.europa.eu/commission/2014-2019/hahn/announcements/remarks-high-representativevice-president-federica-mogherini-end-visit-bosnia-and-herzegovina_en [accessed 06.01.2015]

stagnating political and socio-economic situation in the Western Balkans.⁶ In doing so, it has kept focusing on the process, rather than on the outcome.⁷

While Brussels has called for a thorough revision of Europe's foreign policy strategy to face new challenges in Eastern Europe, moreover, it has insisted on old, discredited solutions for South East Europe. More accurately, Brussels' persistent attachment to its ineffective strategy in Bosnia and Kosovo can be read as a deliberate decision to keep the two countries (and the Western Balkans as a whole) in limbo for an indefinite period of time. Europe's current internal crisis has wiped out any public support for enlargement – even when it comes to relatively small Western Balkan countries. Europe's leaders have no capital to invest on this part of the continent. As a consequence, they hide behind the technical aspects of the accession process to conceal their incapacity to give new momentum to the relationship between the EU and the Western Balkans, clarifying that enlargement is still the best – and indeed the only – strategic option for the Union.

The EU has a tendency to perceive itself as a normative power – Ian Manners' has influentially theorized.⁸ As such, it naturally tends to extend its norms into the international system. In this perspective, Europe's rhetorical insistence on the tough application of conditionality towards Bosnia, Kosovo (and the Western

⁶ "Remarks by High Representative/Vice-President Federica Mogherini at the end of the visit to Bosnia and Herzegovina, together with Commissioner Johannes Hahn" (December 5, 2014). Available at http://ec.europa.eu/commission/2014-2019/hahn/announcements/remarks-high-representativevice-president-federica-mogherini-end-visit-bosnia-and-herzegovina_en [accessed 06.01.2015]

⁷ 'Enlargement is all about the process' – noted EU Commissioner for Enlargement Johannes Hahn in his remarks (*Eastern Partnership: The Way Forward after Riga*) at the Atlantic Council of the United States in Washington, DC (June 4, 2015).

⁸ Manners (2002).

Balkans as a whole) has a twofold purpose. First, it reaffirms Europe's traditional foreign policy identity based on its ability to enforce its values and norms internationally, prompting the convergence of candidate countries towards the Union. Second, it takes on an educational role for prospective applicants in other parts of the continent – showing that the path to Europe entails thorough transformation of local political cultures, values, norms, political systems and institutions. In this perspective, the Western Balkans becomes a model and a precedent for more, possible rounds of enlargement in the future. Tough implementation of conditionality in the Western Balkans is used to show other transitioning countries Europe's seriousness.

Unfortunately, this strategy is likely to miss both of its targets. First – we have argued above – the effectiveness of Europe's transformative strategy in the Western Balkans is not likely to improve thanks to a more forceful use of conditionality. Second, further rounds of enlargement have *de facto* disappeared from Europe's radar for the foreseeable future. Turkey has been drifting away from the EU for years. Enlargement in Eastern Europe is far from being a viable option, given the ongoing destabilization of that part of the continent. The idea of upholding a strict use of conditionality to preserve the credibility of the accession process, in sum, may end up resulting useless in two respects. On the one hand, it is bound to sentence Bosnia, Kosovo and the Western Balkans as a whole to many more years of frustrated aspirations, economic stagnation and political deadlock. On the other hand, it does so in order to preserve the theoretical credibility of a process that – in practice – is unlikely to be used in the future.

Europe's engagement in Bosnia, Kosovo and the Western Balkans – chapter 2 has recounted – is rooted in a very specific set of historical circumstances. It responds to a specific strategic interest for the Union. It questions the very credibility of the EU as an international actor. For all these reasons, Europe's engagement in this region is not easily comparable with different cases. If the EU is going to enlarge further in the future – moreover – it will do so under such different circumstances that the precedent of the Western Balkans will hardly have any meaning. The euro crisis is bound to have lasting consequences on the Union, its structures and self-perception. Europe's changed strategic environment, at the same time, is bound to present the Union with new constraints, as well as opportunities.

The logical consequence of all this is that it makes little sense for Europe to keep the Western Balkans' issue open. Bosnia, Kosovo and the whole Western Balkans represent a special case in the long story of Europe's enlargement. The Union has explicitly committed itself to the integration of the whole region. It has invested an unparalleled amount of physical and political capital. It has put its own credibility on the line on the transformation of Bosnia, Kosovo and the whole Western Balkans.

The Europeanization strategy pursued in the past couple of decades has failed – previous chapters have shown. Overinflated transformative expectations have been gradually re-dimensioned. Europe's attempt to implement state building and enlargement at the same time has clashed against the complex dynamics of

post-conflict countries such as Bosnia and Kosovo. Member state building has proved an illusion. In the end, Bosnia and Kosovo's progress towards democratic consolidation and EU integration has remained limited and contrasted. Mired in a permanent deadlock, the two post-conflict countries have increasingly come to represent a stumbling block on the path to the integration of the whole Western Balkans.

This present chapter of Europe's engagement in Bosnia and Kosovo – the research presented in the previous chapters suggests – needs to draw to a closed. EU enlargement in the two post-conflict countries and in the whole Western Balkans remains a strategic priority for Europe. More accurately, there is no realistic alternative to EU integration. Yet it is time for Europe to acknowledge the fact that enlargement is not necessarily going to happen on Brussels' terms. Bosnia, Kosovo and other Western Balkan countries are not likely to be suddenly transformed in mature, effective, self-sustaining democracies. Nonetheless Europe – recognizing the completion of the stabilization of the Western Balkans as a strategic priority – may have no alternative but to move ahead with enlargement even in sub-optimal cases of fragile, dysfunctional transitioning countries. The recent destabilization of Macedonia is the best possible reminder of what can happen throughout the region, if the EU perspective fades.⁹ Bosnia and Kosovo too – previous chapters have shown – remain inherently unstable and volatile outside a credible European perspective.

It is time for Europe to re-launch the enlargement dynamics in Bosnia, Kosovo, and the whole Western Balkans – this study concludes. In doing this,

⁹ Joseph (2015).

Europe needs to consider carefully the political significance of enlargement to the two post-conflict countries and the whole region. Important as they may be, the technical aspects of enlargement cannot become the decisive factor in a process that has always been – and always will be – ultimately political. It is time for Europe to turn the page in the Western Balkans. Failure to act can only lead to growing discredit for its role as a foreign policy actor, and to the increasing destabilization of the whole region.

2. A farewell to the transformative power (reprise):

A positive conclusion

Ever since its early formulations, the idea of European integration has been closely linked to the concept of transformation – we noted at the beginning of this study. And there is no doubt that the process of integration has changed European politics in great depth, transforming member states, applicant countries and – at times – even third countries. It has granted a large part of the continent an unprecedented phase of peace, economic growth and social development. Europe's current crisis – presenting the Union with a daunting mix of internal and international challenges – proves once again the resilience of the idea of European integration as the continent's best option to maintain control on its own environment in an increasingly volatile international system.

In this perspective, the existence of a transformative power of Europe is hard to deny. The idea, however, that the EU – thanks to its unparalleled power of attraction – can transform applicant countries, prompting them to adhere to Europe’s values, to adopt Europe’s norms and regulations, and to converge towards Europe’s standards remains to be proved. The cases of complex post-conflict countries such as Bosnia and Kosovo – this study has argued – suggest that such a transformative power may not exist in reality. EU conditionality has failed to decisively transform Bosnia and Kosovo in the past. It is likely to fail in the future. Brussels’ Europeanization strategy is not the panacea for these countries, and should not become an empty box aimed at deferring endlessly the solution of the pressing problems that they – and the Western Balkans as a whole – face.

The good news is that – compared to the collapse of Europe’s internal solidarity, the destabilization of Eastern Europe, and the crisis engulfing the whole Mediterranean basin – Bosnia and Kosovo are relatively easy problems to solve. Arguably the integration of the two small countries – once all outstanding territorial disputes are settled – would be hardly noticeable for Europe. This is even more true since the EU is already paying the lion’s share of the bill to support and strengthen them. Yet here lies the tragedy of the Western Balkans. Europe perceives it as too important to be left drifting on its own but – at the same time – it sees it as a relatively peripheral theater not demanding immediate attention.

Europeanization as a normative phenomenon – the internalization of European values and norms – tends to be a very slow process.¹⁰ It tends to be even

¹⁰ Economides and Ker-Lindsay (2015), p. 14.

slower in highly polarized, deeply divided post-conflict countries. Bosnia and Kosovo are not going to magically take ownership of the reform process, suddenly starting to converge towards the EU – as leaders in Brussels still pretend to hope. And they cannot wait for more decades before finally being admitted to the European club. Similarly, Europe has no interest in keeping the Western Balkan chapter open for more decades to come. There is, therefore, an opportunity to re-launch a serious political process in the region, one that takes into account the special nature of Europe's engagement in the Western Balkans and the costs of inaction in terms of security and stability. Post-accession controls and limitations – while they have proved unsatisfactory in the past – seem in this case Europe's best option. The smooth transformation of post-conflict countries into potential member states has proved an illusion. The idea of disentangling Europe from the region is similarly unrealistic. As a consequence, it is time for the EU to acknowledge its interest in fulfilling its historic mission in the Western Balkans, providing all actors in the region with a secure European perspective and – after enlargement – taking care of the generation-long process of Europeanization of the most difficult cases, such as post-conflict Bosnia and Kosovo.

Abbreviations and Acronyms

CARDS	Community Assistance for Reconstruction, Development and Stabilization
CEECs	Central and East European countries
CEFTA	Central European Free Trade Agreement
CVM	Cooperation and Verification Mechanism
EBRD	European Bank for Reconstruction and Development
EC	European Community
ECSC	European Coal and Steel Community
EEAS	European External Action Service
EEC	European Economic Community
ENP	European Neighborhood Policy
ESDP	European Security and Defense Policy
EU	European Union
EUFOR Althea	European Union Force Althea
EULEX	European Union Rule of Law Mission in Kosovo
EUPM	European Union Police Mission
Euratom	European Atomic Energy Community
EUSR	European Union Special Representative
FRY	Federal Republic of Yugoslavia
HLDAP	High-Level Dialogue on the Accession Process
HR	European High Representative
ICJ	International Court of Justice
ICO	International Civilian Office
ICR	International Civilian Representative
ICTY	International Criminal Tribunal for the former Yugoslavia
IPA	Instrument for Pre-Accession Assistance
IS	Islamic State
KFOR	Kosovo Force (NATO)
KLA	Kosovo Liberation Army
NATO	North Atlantic Treaty Organization
OAF	Operation Allied Force (NATO)
OHR	Office of the High Representative for Bosnia and Herzegovina
OSCE	Organization for Security and Co-operation in Europe
PIC	Peace Implementation Council
SAA	Stabilization and Association Agreement
SAP	Stabilization and Association Process
SDJS	Structured Dialogue on the Judicial Sector
SFOR	Stabilization Force (NATO)

SRSg	Special Representative of the UN Secretary General
UN	United Nations
UNDP	United Nations Development Program
UNMIK	United Nations Interim Administration Mission in Kosovo
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
USSR	Union of Soviet Socialist Republics

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